



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1375/2023

MOHD FARUQ MOHAMMED JAHANGIR ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Mithilesh Mishra i/b. Adv. Sachchidanand Mishra for the
applicant.

Mr. P. H. Gaikwad, APP for the State.

PSI M. Waghmare, Khar Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 23, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of the offence
punishable under Sections 307 of the Indian Penal Code
(hereafter 'IPC' for short) read with Sections 37(1)(a), 135 of
the Maharashtra Police Act, registered on 26/7/2020 vide
C.R. No.396/2020 with Khar Police Station.

3. The date of the incident was 26/7/2020. The
accusation in brief is that the applicant proposed the victim
for a relationship. The victim turned down the proposal. On

the terrace of the building was a common washroom used by the residents. On the day of the incident, annoyed by the fact that the victim has refused the proposal of a relationship made by the applicant, it is alleged that the applicant assaulted the victim. The medical certificate on record indicates that the victim was inflicted the blow by a blunt object and the injury sustained is simple in nature.

4. Learned APP opposed the application for bail.

5. The applicant was arrested on 3/9/2020 and is in custody for more than three years with no possibility of the trial concluding any time soon. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. In my opinion, in the facts and circumstances of the present case, the applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Mohd. Faruq Mohammed Jahangir in

connection with C.R. No.396/2020 registered with Khar Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Khar police station once in three months on the 1st Saturday of the month between 11.00 a.m. and 1.00 p.m. till further orders commencing from November, 2023.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer while residing out of Mumbai/Mumbai Suburban District and Thane District and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Mumbai/Mumbai Suburban District and Thane District

after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

(j) When the applicant is to report to the investigating officer or attend trial, the applicant shall not enter the area where the victim is residing and shall not establish contact or try to threaten the victim or her family members. If it is found that the applicant is violating any condition, the same shall be viewed seriously.

6. The application is disposed of.

(M. S. KARNIK, J.)