

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

BAIL APPLICATION NO.1183 OF 2023

1. Kamran Khan S/o. Aftab Khan
2. Hafeez Khan S/o Alamgir
Khan

...Applicants

Versus

The State of Maharashtra

...Respondent

....

Ms Anjali Awasthi with Mr. Aamir Khan for the Applicant.

Ms A.A. Takalkar, APP for the Respondent -State.

Mr. Sheshrao Shelke, PI, Vakola Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 12th JUNE, 2023.

P.C.:-

1. This is an application under Section 439 of the Cr.PC. filed by the aforesaid Applicants, who are facing trial in Sessions Case No.267 of 2023 pending on the file of learned Additional Sessions Judge, Greater Bombay. Said case arises from C.R. No. 994 of 2022 registered with Wakola Police Station, Mumbai for the offences punishable under Sections 307 and 504 r/w 34 of the IPC.

2. Heard Ms Anjali Awasthi, learned counsel for the

Applicants and Ms A.A. Takalkar, learned APP for the Respondent - State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The facts narrated in the FIR reveal that on 20/11/2022 at about 12.15 a.m. the Applicant No.1 caught hold of the First Informant and the Applicant No.2 tried to inflict a blow of knife on his neck. While he avoided the blow, Applicant No.2 inflicted a blow on his abdomen.

4. The records indicate that the Investigating Officer had not referred the injured to the hospital. There is no prima facie material to show that the First Informant had sustained injury of any nature. In such circumstances, there is no prima facie material to show that the Applicants had inflicted injury on the First Informant with an intention of causing his death.

5. The nature of accusation, in my considered view would not justify further detention. Moreover, it is stated that charge is not yet framed. Considering the large pendency, there is no possibility of

trial commencing in immediate future. Hence, the application is allowed on the following terms and conditions:-

- (i) The Applicants, who are facing trial in Sessions Case No.267 of 2023 pending on the file of learned Additional Sessions Judge, Greater Bombay, are ordered to be released on provisional cash bail in the sum of Rs.30,000/- each for a period of four weeks.
- (ii) During the said period of four weeks, the Applicants shall furnish PR bonds in the sum of Rs.30,000/- each with one or two sureties to the like amount;
- (iii) The Applicants shall report to Vakola Police Station once in two months on first Monday of the month till framing of the charge;
- (iv) The Applicants shall not tamper with the

evidence or attempt to influence or contact the Complainant, witnesses or any person concerned with the case.

(v) The Applicants shall keep the Trial Court informed of their current addresses and mobile contact numbers and /or change of residence or mobile details, if any, from time to time.

(vi) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)