

PMB

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

BAIL APPLICATION NO.1689 OF 2022

ANSAR MOHARRAM RAEEN @ PAPPU ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Amin Solkar, Advocate a/w Ms. Misbaah Solkar for applicant.

Mr. N. B. Patil, APP for State.

Ms. Rutuja Y. Patil, PSI, Nizampura Police Station, Bhiwandi, Thane is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 2, 2023.

P.C. :

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

2. This is an application for bail in connection with C.R. No.I-13 of 2021 dated 23/01/2021 registered with Nizampura Police Station, Thane for the offence punishable under sections 302 read with Section 34 of the Indian Penal Code, 1860 ("IPC", for short).

3. There are two accused. The applicant is accused No.1. The applicant is a fruit seller. He sells fruits on a handcart. It appears that the applicant had handed over some fruits

on credit to Nizamuddin Hazaruddin Rain. The applicant asked Nizamuddin for the payment. Nizamuddin refused. It is alleged that the accused abused Nizamuddin. The applicant held Nizamuddin by the collar and gave him several fists blows on the stomach and chest. The accused No.2 brought a wooden stick from his gala and assaulted Nizamuddin on the head and other parts of the body. The cause of the death is reported to be due to hemorrhagic shock due to injury to lung by hard and blunt object.

4. Learned counsel for the applicant submits that there are no criminal antecedents reported against the applicant. There is nothing on record to indicate that there are any antecedents against the applicant.

5. The applicant was arrested on 23/01/2021 and since then he is in custody. The possibility of the applicant's avoiding trial seems unlikely. The applicant is a fruit seller selling fruits on a handcart, is in custody for more than 1 year and 11 months and the possibility of the trial concluding any time soon appear to be distant. Considering the role attributed to the applicant and coupled with

circumstances mentioned hereinabove, in my opinion, the applicant could be released on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
 - (b) The applicant-Ansar Moharram Raeen @ Pappu in connection with C.R. No.I-13 of 2021 registered with Nizampura Police Station, Thane, 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 shall attend the concerned Police Station once in a month on every Monday of the first week between 2.00 p.m. and 3.00 p.m.
 - (d) 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.
 - (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- 6.** The Bail Application is disposed of.

(M. S. KARNIK, J.)