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

BAIL APPLICATION NO.1819 OF 2023

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Abu Talha Israil

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. S.K. Ali i/by A.A. Siddiquie Associates for the applicant.

Ms. Rutuja Ambekar, APP for the respondent/State.

Mr. Vinod A. Pardeshi, PSI, Pawarwadi Police Station, Malegaon, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 24, 2023

P.C.:

1. This is an application under Section 439 of the Criminal Procedure Code, 1973 seeking bail in connection with C.R. No.249 of 2022 registered with Pawarwadi Police Station for offences punishable under Sections 307, 143, 147, 148, 452, 504 and 506 read with Section 149 of the Indian Penal Code, 1860 and under Section 37(1)(3) and read with Section 135 of the Maharashtra Police Act, 1951 and under Section 4 read with Section 25 of the Arms Act, 1959.

2. According to prosecution, in the month of July 2022 the applicant and some others assaulted Mohammad Radhid, the

friend of informant – Akib Ahmed Shakil Ahmed. At that time, the informant lodged complaint against them in the police station. Since then the applicant and other accused had grudge in their mind against the informant.

3. On 12 December 2022 at about 2.00 a.m., when the informant was taking meal, suddenly somebody kicked the door of his house and thereafter Rabbani, Abdul Rehaman, Naksab Kalya and Mohasin entered with deadly weapons like sword, koyta and iron pipes. At that time, three to four unknown persons with deadly weapons were standing outside the house. Accused Rabbani abused informant in filthy language and asked him as to why he gave statement against him before the police. Then, the said three accused persons assaulted informant by deadly weapons. When the informant tried to rescue, he sustained grievous injury of finger of his both the hands. The informant collapsed and the accused persons left the spot. The informant called his friend Mohammad Jaffar. Accordingly, Mohammad Jaffar along with Sharif Special and Sharif Kalya came there and took the informant to Civil Hospital, Malegaon from where he was shifted to Sai Sahyadri Hospital, Malegaon for further treatment. Police came and recorded his statement and accordingly first information report came to be registered.

4. On perusal of the charge-sheet, it appears that the victim himself lodged report. He named four persons. The applicant is not named in the first information report. However, statement of witnesses recorded on the next day indicate presence of the applicant. According to prosecution, the applicant along with other

three co-accused assaulted the victim by iron rods. The Medico Legal Certificate produced on record indicates all injuries of incised wound. The cause of injuries is attributed to sharp edged object.

5. The applicant was arrested on 10 January 2023. The victim himself named the applicant only on 24 December 2022 attributing joint role to the applicant along with three other persons.

6. There are no criminal antecedents to the discredit of the applicant. Charges are yet to be framed. It is unlikely that the trial will be over in near future.

7. On overall consideration of the factors mentioned above, the applicant has made out a case for release under Section 439 of the Criminal Procedure Code, 1973. Hence, following order:

- a) The bail application is allowed;
- b) The applicant shall be released on bail in connection with C.R. No.249 of 2022 registered with Pawarwadi Police Station for offences punishable under Sections 307, 143, 147, 148, 452, 504 and 506 read with Section 149 of the Indian Penal Code, 1860 and under Section 37(1)(3) and read with Section 135 of the Maharashtra Police Act, 1951 and under Section 4 read with Section 25 of the Arms Act, 1959 on furnishing PR. Bond in the amount of Rs.25,000/- along with one or two sureties in the like amount;
- c) The applicant shall mark his presence before the

concerned police station on first Saturday of every month between 11.00 a.m. to 2.00 p.m.;

d) The applicant shall remain present before the Trial Court on each and every date unless specifically exempted by the Court;

e) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;

f) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)