



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

BAIL APPLICATION NO. 3086 OF 2023

KASIF HUSSAIN MAHIMI @ GABBAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Saurabh Ghag a/w Ms. Divya Bhatia, for the Applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 10, 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 offences punishable under sections 307, 397, 394 read with 34 of the Indian Penal Code, 1860 and under sections 4, 25 and 37(1) (a) of the Indian Arms Act and under section 135 of the Maharashtra Police Act registered on 30/10/2020 vide C.R. No.672 of 2020 with Bandra police station.
3. The applicant is arrested on 31/10/2020. There are 3 accused in all. The applicant is the accused no.1. The prosecution case in brief is that the first informant was going for a morning walk on 31/10/2021 at 5.00 a.m.. 3 of

the accused came in front of the first informant on a motorbike and one of them asked him the way to Bandra station. The first informant gave them the information and kept on walking. Suddenly, the same three persons came in front of the first informant and out of them one gave him a blow with the fist. When the first informant was trying to resist, they removed gold chain from the first informant's neck and ran away on the motorbike. The first informant was frightened and kept on walking. Again the same persons came back. One of them showed a knife to the first informant and asked the first informant to give the second chain from his neck, watch and money. The first informant was frightened and therefore handed over all the belongings to the accused.

4. I have perused the injury certificate. The present applicant stabbed the first informant on the head. Learned APP opposed the application and submitted that there are as many as 10 antecedents reported against the applicant registered with Bandra police station.

5. The applicant is in custody for more than 3 years. Though I was hesitating to enlarge the applicant on bail

considering the past antecedents reported against the applicant, however considering that the applicant is in custody for more than 3 years with no possibility of trial commencing and concluding any time soon, I am inclined to enlarge the applicant on bail on conditions. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Kasif Hussain Mahimi @ Gabbar in connection with C.R. No. 672 of 2020 registered with Bandra 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 Bandra police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (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 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 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) If there is breach of any condition, liberty to apply for cancellation of bail.

6. The application is disposed of.

(M. S. KARNIK, J.)