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

BAIL APPLICATION NO.2186 OF 2023

MAJID SADIK KURESHI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Nikam i/b. Adv. Amit Icham for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 19, 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, 324, 323, 143, 145, 147, 148, 149, 506 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 5(a), 5(b), 9, 11 of the Animal Protection Act, 1995 registered on 26.11.2022 vide FIR bearing C.R. No.386 of 2022 with Junnar Police Station, District Pune.

3. The case of the prosecution is thus :-

According to prosecution, on 25.11.2022 at 7:20 pm the informant saw a vehicle bearing registration No.MH-14-

KA-2497 and heard sounds of animal from the said vehicle while going from Godre village. Informant followed the said vehicle, thereafter, nearby Mutha school area 4 to 5 persons restrained the informant and asked as to why he is following the said vehicle. Considering the situation, he immediately called police and rescued himself to a safer place. However, on the way near Mahadev Temple, Jagmata Chowk, 25 to 30 people armed with iron pipe, iron rods, knives and other sharp weapons surrounded him and, one of them, present applicant Majid Kureshi hit the informant on his head, co-accused Arbaz Kureshi attacked the friend of the informant with a knife, however, he succeeded in saving himself. Thereafter, co-accused Atiq Kureshi assaulted the informant by iron rod on his head. After the incident, some people gathered on spot and rescued the informant. The informant registered report against applicant and other co-accused.

4. Learned APP opposed the application for bail.

5. The applicant was arrested on 06.12.2022. I have perused the injury certificate at page 43 and 44 of the paper book. All the injuries are simple in nature. The

applicant is in custody from the date of his arrest since 06.12.2022. The assault by the applicant is by an iron pipe. The investigation is complete and the charge-sheet has been filed. From the order of the trial Court it does not appear that any criminal antecedents reported against the applicant. The trial is not likely to conclude soon. Further custody will only be by way of a pre-trial punishment. In the facts and circumstances of the present case I am inclined to enlarge the applicant on bail on conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Majid Sadik Kureshi in connection with FIR bearing C.R. No.386 of 2022 registered with Junnar Police Station, Pune shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Junnar 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) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)