

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

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BAIL APPLICATION NO. 4256 OF 2021

Shahbuddin Sadik Ansari ..Applicant
VS.
The State of Maharashtra ..Respondent

**WITH
BAIL APPLICATION NO. 1186 OF 2022**

Altaf Shahbuddin Ansari ..Applicant
VS.
The State of Maharashtra ..Respondent

Ms. Suvarna Avhad-Vast a/w Ms. Manali Sohoni and Mr. Rahul Dingankar, for the Applicant in BA/4256/2021.
Mr. Afin Pathan a/w Mr. Imran Patel, for Applicant in BA/1186/2022.
Ms. A. A. Takalkar, APP for the State.
PI- Mr. Nagtilak, MHB Colony Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 9, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP.
2. These are the applications for bail in respect of C.R.No. 185 of 2021 dated 25/04/2021 registered with M.H.B Colony Police Station for the offence punishable

under sections 304, 307, 325, 324, 323, 34 of the Indian Penal Code, 1860.

3. The applicant- Shahbuddin Sadik Ansari is the father of the applicant Altaf in the connected bail application. The applicants are accused for causing death of the informant's son. It is alleged that on 25/04/2021, the informant's son committed theft in the house of the applicants. The applicants chased him. They caught hold of the informant's son and assaulted him on his legs. Applicant- Altaf informed the police. After police arrived, the applicants and the police took the injured to the hospital. After receiving first aid, the informant's son was discharged. The informant's son went home on his own, on the same day. The father of the deceased in the FIR has stated that the deceased was alcoholic and was in the habit of going out at night. The medical report on the date of the assault indicates that there is no history of any head injury. The victim died on 03/05/2021. Thus the charge against the applicants under section 304 of IPC was added. On the date of the assault, there is no history of any head injury

and even the victim was discharged from the hospital on the very same day. Almost after 7 to 8 days, when the victim is reported dead, medical opinion reflects that he suffered head injury. Prima facie, having regard to the distance of time from the date of his discharge from the hospital after the alleged assault and materials on record, it would not be possible to attribute the head injury to the present applicants. The applicants are in custody since 27/04/2021, for a period of more than 1 year and 9 months. There are no criminal antecedents reported against the applicants. The investigation is complete. The charge-sheet is filed. The trial is likely to take considerable time to conclude. Considering the nature of the accusations, the applicants can be enlarged on bail. Hence, the following order.

ORDER

- (a) The application is allowed.
- (b) The applicants-Shahbuddin Sadik Ansari and Altaf Shahbuddin Ansari in connection with C.R. No.185 of 2021 registered with M.H.B. Colony Police Station shall be released on bail on their

furnishing P.R. bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

(c) The applicants are permitted to furnish cash bail surety in the sum of Rs. 25,000/- each for a period of 6 weeks in lieu of surety.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants should not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact number and residential address to the investigating officer of the concerned Police Station and shall keep him updated, if there is any change.

(f) The applicants shall attend the trial regularly.

5. The bail applications are disposed of.

(M. S. KARNIK, J.)