



PMB

18.ba.2774-23.odt

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

BAIL APPLICATION NO.2774 OF 2023

NAQSHAB AHMED MUZAMMIL HUSSAIN ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Mahendra N. Sandhyanshiv for the applicant.
Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 29, 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, 143, 147, 148, 149, 452, 504, 506 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 37(1)(3), 135 of Maharashtra Police Act and under Sections 4, 25 of Arms Act registered on 12.12.2022 vide C.R. No.I-249 of 2022 with Pawarwadi Police Station, Malegaon, District Nashik.
- 3.** The date of the incident is 12.12.2022. The statement of the informant is at page 25 of the paper book. The

applicant was arrested on 23.12.2022. There are in all eight accused. The applicant is the accused No.3. It is alleged that the applicant assaulted the informant with a shock absorber rod. Though there is a recovery of sword at the instance of the present applicant, prima facie, from the statement of the complainant the weapon used by the applicant was a shock absorber. The medical certificate reveals that the injuries are incised wounds and prima facie does not correspond with the weapon the complainant is alleged to have used for the commission of the offence. In any case, the applicant is in custody from 23.12.2022 for a period of nine months.

4. Learned APP opposed the application for bail contending that there has been brutal assault on the informant and the applicant was allegedly attributed the role of assaulting the informant with shock absorber.

5. There is one criminal antecedent under Section 307 of the IPC against the present applicant and therefore though in my opinion, considering the investigation is complete and the charge-sheet has been filed, the applicant should not be

deprived the facility of bail, stringent conditions needs to be imposed while enlarging him on bail. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Naqshab Ahmed Muzammil Hussain in connection with C.R. No.I-249 of 2022 registered with Pawarwadi Police Station, Malegaon, District Nashik 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 Investigating Officer of Pawarwadi Police Station, Malegaon, District Nashik once in a month every first Monday of the month between 11.00 a.m. and 1.00 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.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the Malegaon Taluka after being released on bail, till the trial concludes.

6. The application is disposed of.

(M. S. KARNIK, J.)