



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

**BAIL APPLICATION NO. 2929 OF 2023
WITH
INTERIM APPLICATION NO. 4095 OF 2023(NOT ON BOARD)**

SIRAJ RAEES KHAN ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Gaurav Parkar, for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

Mr. Vivek Arote, for Intervener.

API-Mr.Sunil Gurav, Talaja police station present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 3, 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, 323, 341, 504, 506 read with 34 of the Indian Penal Code, 1860 registered on 18/06/2023 vide C.R. No.207 of 2023 with Talaja Police Station, Navi Mumbai. The applicant was arrested on 18/06/2023

3. The date of the incident is 18/06/2023. It is alleged that 3 accused assaulted the first informant with knife. So far as the present applicant is concerned, it is alleged that

the present applicant threatened the passers-by and onlookers not to intervene in the on-going assault on the first informant. The injury certificate on record reveals that there is one stab wound inflicted on the informant below the umbilicus. The nature of the injury is grievous. The injury is attributed to the accused no.2-Shamshad.

4. Learned APP and learned counsel for first informant opposed the application. It is submitted that the acquaintance of the accused have threatened the informant while the accused are in custody and therefore submitted that threat to his life cannot be ruled out once the applicant is enlarged on bail. It is submitted by learned counsel for the first informant that NCs have been registered in this regard. The investigation is complete. The charge-sheet has been filed. Though learned counsel for the informant submitted that there are some criminal antecedents reported against the present applicant, however, learned APP on instructions submitted that there are no criminal antecedents against the present applicant. The apprehension of the informant can be taken care of by imposing certain conditions on the applicant. The applicant,

in my opinion, should not be deprived the facility of bail in the facts and circumstances of the present case. The applicant is in custody since 18/06/2023. Further custody will only be by way of a pre-trial punishment in the facts and circumstance of the case. The applicant will face the consequences post-trial if found guilty. I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Siraj Raees Khan in connection with C.R. No.207 of 2023 registered with Taloja 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 Taloja 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 not reside within the jurisdiction of the Taloja police station till further orders of the trial Court. Only for the purpose of reporting to investigating officer, the applicant is allowed to enter Taloja.

(h) The applicant shall not contact, intimidate or threaten first informant of any of the witnesses.

(i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(j) The prosecution or the first informant are always at liberty to apply for cancellation of bail in case of breach of any of the condition by the applicant.

5. The application is disposed of. The interim application also stands disposed of.

(M. S. KARNIK, J.)