

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3451 OF 2022

Sami @ Shami Shafi Ahmed Khan ...Applicant

V/s.

The State of Maharashtra ... Respondent

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KAMBLE

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Mr.K.S. Labana, for the Applicant.
Ms.Anamika Malhotra, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th OCTOBER 2023

P.C:-

1. By this Application, Applicant is seeking bail in Crime No.142 of 2022 registered with Ulhasnagar Police Station, District-Thane, for the offence punishable under Sections 307 of the Indian Penal Code ('IPC' for short).

2. It is prosecution's case that, first informant Rupesh Valve lodged the complaint on 23rd March 2022 alleging that on 22nd March 2022 at around 5.30 p.m., Applicant had assaulted his friend Anand with knife on his neck, back and hand and upon

intervention, by first informant Applicant assaulted on his neck and back with knife with intention to kill him. It is alleged that, one Fufeali ran away from the spot. On the complaint offence was registered against the Applicant.

3. It is contention of the learned counsel for the Applicant that, Applicant has been falsely implicated in this case. The injuries caused to the first informant and injured witness were not life threatening. Investigation is completed and charge-sheet has been filed. Applicant is behind bar more than one year and 6 months. Hence, requested to allow the Application.

4. It is contention of the learned APP that, Applicant had assaulted first informant and injured witness with knife on their neck, hand i.e. on vital part's of the body, with an intention to kill them. The knife used in the crime is recovered at the instance of the Applicant. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. The Applicant was admitted in hospital for two day's. The Applicant is behind bar more than 1 year and six months. The investigation is completed and charge-sheet has been filed. Yet charge has not been framed, it may take time to conclude the trial.

7. In view of the above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.142 of 2022 registered with Ulhasnagar Police Station, District-Thane, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Ulhasnagar Police Station, District-Thane, once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

- (iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)