

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

BAIL APPLICATION NO. 3871 OF 2022

Nasim Azamuddin Ansari	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Husen Shaikh a/w. Rumman Shaikh for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Mahajan, API, Wadala TT Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 28th JUNE, 2023.

P.C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.689/2021 pending on the file of Additional Sessions Judge, Mumbai. The said case arises from C.R.No.361/2019 registered with Wadala TT Police Station, Mumbai for offences punishable under sections 307, 323, 326, 341, 504, 506)(2) r/w. 34 of the Indian Penal Code, sections 4, 25 of Indian Arms Act and sections 37(1)(a), 135 of Maharashtra Police Act.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Sachin G. Tripathi. A perusal of the FIR reveals that on 27/10/2019 at about 22:30 hours, there was an altercation and scuffle between the first informant and the Applicant and others, the first informant thereafter called his friend – Akhilesh Singh. It is alleged that the Applicant and others assaulted said Akhilesh Singh and Hitesh Nagde.

4. The facts narrated in the FIR as well as the statement of Akhilesh Singh and Hitesh Nagde reveal that the co-accused – Kapil Yadav was involved in inflicting injuries on Akhilesh Singh whereas the injuries on Hitesh Nagde were inflicted by the co-accused Irfan. Apart from the fact that the Applicant who was present at the place of the incident with weapon, no specific role has been attributed to him. He has not caused any injuries to any of these witnesses. The Applicant is in custody since 12/08/2022. It is stated that charge is not framed. There is no possibility of the trial commencing soon. Considering the above facts and circumstances and particularly the role attributed to the Applicant, in my considered view, this is a fit case to exercise discretion under section 439 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

- (i) The Applicant who is facing trial in Sessions Case No.689/2021 pending on the file of Additional Sessions Judge, Mumbai arising out of C.R.No.361/2019 registered with Wadala TT Police Station, Mumbai, is ordered to be released on bail on furnishing bail bonds in the sum of Rs.40,000/- with one or two solvent sureties in the like amount ;
- (ii) The Applicant shall report to Wadala T.T. Police Station, Mumbai on 1st Monday of every month between 11.00 a.m. to 02.00 p.m. till framing of the charge ;
- (iii) The Applicant shall not interfere with the complainant and the injured witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;
- (iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

(v) The Applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

5. Bail Application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

PREETI
HEERO
JAYANI

Digitally signed
by PREETI
HEERO JAYANI
Date: 2023.07.04
14:08:05 +0530