



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

BAIL APPLICATION NO. 3900 OF 2023

1. MOHD ABRAR ISRAIL KHAN @ PAPPU
2. MOHD. IMTIYAZ ISRAIL KHAN @ CHIMMI
3. ATAHRU AFZAL KHAN ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Amin Solkar a/w Mr. Junaid Thange, for the Applicants.
Mr. P. H. Gaikwad, APP for the State.
PI- Mr.Sachin Kotmire, Nalasopara police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under sections 307, 324, 323, 504, 506, 141, 143, 144, 148, 149 of the Indian Penal Code, 1860, under sections 4 and 25 of the Arms Act, 1959 and under sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951 registered on 31/01/2023 vide C.R. No. 68 of 2023 with Nalasopara police station.
3. There are in all 4 accused. The applicants are the

accused nos. 2, 3 and 4. The applicants were arrested on 31/01/2023.

4. The date of the incident is 30/01/2023. The incident happened outside a Masjid in relation to a dispute over the control of the Masjid Trust. Learned APP submitted that all the accused were armed with deadly weapons like swords, choppers etc. It is further submitted that there is one stab injury attributed to the accused no.1. It is submitted that the present applicants who are the accused nos. 2 to 4 also had a common intention to kill the victim. The date of the incident is 30/01/2023 and the victim expired on 03/02/2023.

5. The stab injury is attributed to the accused no.1. Though the application is vehemently opposed by learned APP, in my opinion, the applicants can be enlarged on bail considering their role as trial is likely to take some time. Even the charge has not been framed. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicants.

6. Learned counsel for the applicants submits that the applicants are willing to abide by any condition and even

willing to stay outside the jurisdiction of Nalasopara police station if it is the apprehension of learned APP that the applicants may tamper and threaten prosecution witnesses. In the facts and circumstances of the present case, the applicants can be enlarged on bail by imposing condition Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants- Mohd. Abrar Israil Khan @ Pappu, Mohd. Imtiyaz Israil Khan @ Chimmi, Atahru Afzal Khan in connection with C.R. No. 68 of 2023 registered with Nalasopara police station shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants shall attend the investigating officer of Nalasopara police station once in a month on first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (d) The applicants 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.
- (e) The applicants shall not tamper with evidence or

threaten the witlessness.

(f) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the investigating officer and shall keep him updated, in case there is any change.

(g) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicants shall not enter the jurisdiction of Nalasopara police station after being released on bail, till further orders of the trial Court.

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

7. The application is disposed of.

(M. S. KARNIK, J.)