



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

BAIL APPLICATION NO. 3915 OF 2023

MD.KALAM SAMID MANSURI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Keshav Chavan, for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 12, 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 392, 394, 397 of the Indian Penal Code, 1860 and under sections 4 and 25 of the Indian Arms Act registered on 09/03/2021 vide C.R. No.106 of 2021 with Khar police station.
3. There are 3 accused in all. The applicant is the accused no.1. The applicant was arrested on 09/03/2021.
4. The prosecution case is that on 09/03/2021, the complainant had gone for a walk. One person by showing knife snatched the mobile phone of the informant. The

other accused snatched the head-phone. When 2 passers-by tried to help the informant, the assailants assaulted them and also tried to snatch the mobile phone of a girl who had intervened.

5. Learned APP opposed the application for bail by submitting that apart from the offence in the present case being serious, the applicant has one more criminal antecedent to his discredit registered with Pantnagar police station under sections 392, 394, 34 of IPC vide C.R. No. 115 of 2021. Learned APP submits that the applicant is a habitual offender.

6. I have perused the injury certificate. Considering the nature of the injuries and that the applicant is in custody for more than 2 years and 9 months with no possibility of the trial concluding any time soon, in the facts and circumstances of the present case, the applicant can be enlarged on bail. The investigation is complete. The charge-sheet has been filed. Though there are one criminal antecedent reported against the applicant of a similar nature, but that by itself should not be a reason to deprive the applicant the facility of bail as I propose to impose

stringent conditions while enlarging the applicant on bail. Learned counsel for the applicant submitted that the applicant is even willing to reside outside Mumbai/Mumbai Suburban District. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Md.Kalam Samid Mansuri in connection with C.R. No.106 of 2021 registered with Khar police station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Khar police station once in a month on first Monday of every 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) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter Mumbai/Mumbai Suburban District after being released on bail, till further orders of the trial Court. Depending upon the conduct of the applicant, it is open for the applicant to apply for modification of this condition to the trial Court after a period of one year if the trial does not proceed substantially.

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

7. The application is disposed of.

(M. S. KARNIK, J.)