

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3530 OF 2023

Mohd. Azad Mohd. Sharif Farooqui] .. Applicant

vs.

State of Maharashtra] .. Respondent

Mr.Ashish Shukla a/w Suraj Dubey h/f Prachish Shukla i/b Prime Glob Legal LLP for the Applicant.

Ms.M.H. Mhatre, APP for the State.

PSI Khandagale, Vanrai Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 15th March, 2024.

P.C.

1] The Applicant faces accusation under Section 307, 324 of the IPC on the complaint filed by one Sunita Sahani, alleging that she was assaulted by the Applicant as some quibble occurred between the couple, who was in live in relationship for some considerable length of time.

The statement of the complainant specifically contain that they were into love relationship, however, since she was aggrieved by his behaviour, she detached her ties with him and started residing with her friend in Goregaon. Despite she distancing herself, the Applicant is alleged to have forced her to maintain the relationship and for the last six months, they used to meet outside.

RAJSHREE
KISHOR
MORE
Digitally
signed by
RAJSHREE
KISHOR
MORE
Date:
2024.03.16
11:52:16
+0530

On the date of the incident, when she had been to Mira Road to meet her mother, she came across the accused and he forced her to sit in the rickshaw and stabbed her on her chest as well as other parts of the body causing bleeding injuries. She was taken to the Hospital by him and administered treatment.

2] Surprisingly, the charge- sheet did not include the statement of the rickshaw driver.

The MLC Report at the Cooper Hospital record three injuries near the neck and linear spine which are described to be homicidal in nature and as far as the injury to the thorax is concerned, it is stated to be endangering her life.

3] On completion of investigation, charge sheet is filed and down the line, since the arrest of the Applicant on 30.05.2021, there is no progress in the trial.

It is informed that till date even the charge has not been framed and the prosecution intend to examine 17 witnesses to establish the guilt of the Applicant.

4] Considering the long incarceration of the Applicant for last four years and without any certainty as to the completion of the trial, since the investigation is complete, I deem it appropriate to release the Applicant on bail, subject to the following terms and conditions:-

ORDER

- i] Bail Application is allowed.
- ii] Applicant – Mohd. Azad Mohd. Sharif Farooqui shall be

released on bail in connection with C.R.No.161 of 2021 registered with Vanrai Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

iii] Upon release, the Applicant undertake to reside in Jogeshwari and on the first date of his appearance before the Investigating Officer at Vanrai Police Station, he shall furnish his address where he is likely to reside and also his contact number and shall continue to report to the Police station on first Saturday of every month between 3.00 p.m. to 5.00 p.m. for a period of one year and thereafter once in every trimester till conclusion of the trial.

iv] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

v] The Applicant shall regularly attend trial, on every date, unless exempted.

vi] The observations made above are prima facie in nature and limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

[BHARATI DANGRE, J]