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

BAIL APPLICATION NO.4151 OF 2023

ARBAZ IRFAN KASKAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Ammar I. Nizami for the applicant.

Mr. S. H. Yadav, APP for the State.

API - Deepali Wagh, Bazarpeth Police Station, Thane City.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 25, 2024

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 394, 397, 427, 506(2), 504 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 37(1), 135 of Maharashtra Police Act registered on 12.08.2022 vide C.R. No.I-177 of 2022 with Bazarpeth Police Station, Kalyan.

3. This is a second application for bail. The previous Bail Application No.1893 of 2023 was withdrawn by the

applicant on 31.08.2023 with liberty to apply after three months. The date of the incident is 12.08.2022. The allegation in brief is that the applicant who was armed with a knife raised an issue with the complainant as to why is he supporting one person which the applicant did not like. The applicant showed him a knife which was kept in his pocket. Thereafter, the applicant took one fiber rod with which he started damaging the horse cart belonging to the acquaintance of the complainant-Shahid. The complainant rushed to prevent the applicant from causing further damage to the horse cart. It is alleged that the applicant assaulted the complainant on his head with the fiber rod. The complainant suffered simple injuries as per the medical certificate. The applicant was arrested on 12.08.2022 and is now in custody for one year and five months with the possibility of the trial concluding any time soon appearing to be remote.

4. Learned APP while opposing the application for bail submitted that there are as many as three criminal cases registered against the applicant in respect of bodily offence

and two N.Cs. It is submitted that the applicant is a habitual offender and is creating the terror in the area. Though I am not inclined to deprive the applicant the facility of bail in the facts and circumstances of the present case, however I propose to impose stringent conditions. The investigation is complete and the charge-sheet has been filed. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Arbaz Irfan Kaskar in connection with C.R. No.I-177 of 2022 registered with Bazarpeth Police Station, Kalyan shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) Except for the purpose of reporting to the Investigating Officer once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. the applicant shall not enter the jurisdiction of Kalyan taluka after being released on bail, till the trial concludes.
- (d) 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.

(e) 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.

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

5. The application is disposed of.

(M. S. KARNIK, J.)