

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

**CRIMINAL BAIL APPLICATION NO. 2669 OF 2024**

Azhar Dastagir Fakir ...Applicant

**Vs.**

The State of Maharashtra ...Respondent

Mr. Aniket Nikam with Shreya Anuwal with Amit Icham with Dushyant Dighambar with Pratik Jadhav, Sumit Patil, Advocate for Applicant.

Mr. P. P. Deokar, APP for State-Respondent.

**CORAM:- ANIL S. KILOR, J.**

**DATED:- 21<sup>st</sup> OCTOBER, 2024**

**PC:-**

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 40 of 2024 registered with Shahupuri Police Station, Kolhapur, for the offences punishable under Sections 307, 506 and 109 read with Section 34 of the Indian Penal Code, 1860 and Section 4/25 of Arms Act, 1959.
- 3) Having gone through the charge-sheet and the relevant material collected by the Investigating Officer, it appears that there was a dispute

in two groups relating to Sunnat Jamat Masjid and in the said assault the informant and one witness Mehmud Khan Pathan got injured.

4) However, the allegations made in the FIR are seen with the injury certificates, the number of injuries do not match with the allegations in the FIR. Thus, there is some prima facie exaggeration in the FIR. The applicant is in jail from last ten months and in between the charge-sheet has been filed. There is one antecedent against the applicant under Section 307 of the IPC and hence, the learned APP has strongly opposed the application and submitted that if the applicant is released on bail, he may repeat the offence.

5) Thereupon, the learned Counsel for the applicant, on instructions, submits that since there is a dispute of Masjid going on, he is ready to stay outside Kolhapur District till the conclusion of trial. Thus, considering the said submission, I pass the following order.

**ORDER**

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 40 of 2024 registered with Shahupuri Police Station, Kolhapur, for the offences punishable under Sections 307, 506 and 109 read with Section 34 of the Indian Penal Code, 1860 and Section 4/25 of Arms Act, 1959, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall not enter into the territorial jurisdiction of Kolhapur District till the conclusion of the trial except on the date of trial;

- iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1<sup>st</sup> and 16<sup>th</sup> day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;
- v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii. Application stands disposed of, accordingly.

**[ANIL S. KILOR, J.]**