

-: FINAL ORDER IN CRI. BAIL APPLICATION NO.424/2022 :-
(Delivered on this 18th day of October 2022)

1. Accused moved this court vide Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.
2. Accused /applicant is engulfed for the offence punishable U/secs. 307, 323, 504, 506 r/w 34 of the Indian Penal Code, 1860, section 4/25 of the Arms Act and 34(1), 37(3), 135 of the Bombay Police Act in Crime No.599/2022 registered with Yavatmal City Police Station.
3. Succinct outline of the FIR states in volume that the informant is resident of Yavatmal. On 15.09.2022 at about 10:30 AM the injured Amil Chole had gone for distributing milk house to house. That at about 11:30 PM on account of old enmity the accused Samir Navrang gave a blow of knife on the back side of injured Amol Chole. He sustained severe injury on his person. As per the complaint the applicant/accused gave fist and kick blows on the person of injured Amol Chole. The incident was reported to the police and on that count crime bearing No.599/2022 was registered against the accused. Amid investigation the applicant was arrested, interrogated and remanded to MCR till 21.09.2022. With instant application the accused posed innocence and prayed for his release on suitable bail. He conceded to co-operate in the investigation. Refuting with stance the prosecution placed their detail reply below Exh.05. According to them the offence is serious and the accused had played major role in the crime. On the count of recurrence they prayed for rejection of the application at threshold.
4. Scanned application and say filed on behalf of prosecution. I have gone through entire record minutely. Incisively, the FIR is very

specific about the incident thereby attributing vital role against the co-accused Samir Navrang. It is only amid investigation the role of accused came in fore before the police. It is urged that the applicant/accused accompanied co accused Samir and gave fist and kick blows on the person of injured Amol. Upon perusal of entire record there is no as such confrontation of this fact at the instance of the informant. When FIR is lodged against few unknown person the test identification parade is material. However, it is not done so far with regards to present accused is concerned. Admittedly nothing as such incriminating is seized from him. The weapon is already recovered. The alleged role attributed towards applicant/accused is very limited. Assaulting someone with fists and blows would not generally attract grievous injuries thereby causing death. At least in present case it is not the contingencies so far. The linkage of the accused with instant crime is not shown incisively and thus, the accused deserves bail on that count itself. The accused is behind the bar since last many days. He is resident of Yavatmal. He is ready to cooperate in the matter. It is not shown that he would flee from justice. Was the incident occurred owing to any enmity with oblique motive or not is a subject matter of merit. It is not desirable to discuss merits or demerits of the case at the moment. His custodial interrogation is almost over. He is ready to co-operate in the trial. All aforesaid factors certainly boost for approval of the bail.

5. At present there are no strong reason to disown bail relief to the accused. It is not the case he would flee from justice. If certain conditions are imposed then it will suffice the purpose. Culmination of all circumstances manifested above I perceive the accused is entitled for the bail. Hence, the order.

ORDER

1. Application is allowed.

2. The accused / applicant viz., Mohammad Samir Mohammad Yasin arrested in connection with crime bearing No.599/2022 registered with Police Station Yavatmal City, Tq. & Distt. Yavatmal for the offence punishable under section 307, 323, 504, 506 r/w 34 of the Indian Penal Code, section 4/25 of the Arms Act and section 34(1) and 37(3), 135 of the Bombay Police Act be released on P.B. of Rs. 20,000/- with One solvent surety in the like amount on the following terms and conditions;

Conditions

- (i) The accused/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 such facts to the Court or to any police officer.
 - (ii) The accused shall attend the I.O. as and when called by him till filing of charge-sheet.
 - (iii) The accused not to indulge in any illegal activities or in committing the offence of like nature.
 - (iv) The accused shall leave the jurisdiction of the concerned Police Station without leave of this Court.
 - (v) He shall not foster any interaction with the informant or the injured.
 - (vi) He shall produce verified copy of his Aadhaar Card and other address proof along-with contact details.
3. Bail before the learned J.M.F.C., Yavatmal.

Date : 18/10/2022.

(Amit Anant Laulkar)
Additional Sessions Judge,
Yavatmal.