

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 251 OF 2015

Firoz Alkhamis Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sandeep Maurya, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 8, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP. Perused papers.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 22nd February 2014 in Crime No. 6 of 2013 registered at Mumbra Police Station for offence punishable under Section 307, 143, 147, 148, 149 of the Indian Penal Code. The investigation is completed and charge-sheet is filed on 2nd March, 2014. The learned Counsel for the applicant

submits that the co-accused Sher Ali @ Baba Sayyed has been enlarged on bail by the Adhoc Additional Sessions Judge-2, Thane vide order dated 29th April, 2014. The applicant herein claims parity with the co-accused.

3 However, learned APP submits that the applicant has criminal antecedents. According to the learned APP, the applicant is an accused in Crime No. 563/2007, 43/2011, 283/11 and 6/2013 i.e. the present offence.

4 The learned Counsel for the applicant submits that the applicant has been acquitted in Crime No. 43/2011 by Sessions Judge, Thane vide Judgment and Order dated 6th February, 2015. The learned Counsel for the applicant has placed on record copy of the Judgment and order passed by the Additional Sessions Judge, Thane for perusal of this Court.

5 It is the case of the prosecution that on 2nd January, 2013 one Nuruddin Mohd. Kaisar Sayyed lodged a report at the police station alleging therein that on that day, when he was coming out of the compound of his house and was proceeding towards Mumbra-Panvel Road, at about 11.30 a.m., one Ajgar had apprehended him and had assaulted him with a wooden log. There was scuffle between them and at that time the applicant alongwith others had also assaulted the complainant. According to the complainant, present applicant had assaulted him with knife. The complainant had attempted to wield of the assault and has sustained injury on his hand. On the basis of the said report, present offence is registered. The injury certificate would show that the complainant had received as many as four injuries. He had sustained a contused lacerated wound on his right hand, which is shown as a grievous injury. He had sustained other injuries also. He had given history of assault by a group of four to five people by sharp object.

6 Taking into consideration the fact that the investigation is completed and charge-sheet is filed and that the applicant has been in jail for almost 16 months, this Court is inclined to allow the application by imposing certain conditions upon the applicant.

7 Hence, following order is passed.

ORDER

(i) The application is allowed. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or two sureties in the like amount.

(ii) The applicant shall not reside in Mumbra area for a period of 3 months from today.

(iii) The applicant shall attend Mumbra police station on first Sunday of each month till framing of charge.

8 The application is disposed of on the above terms.

(SMT. SADHANA S. JADHAV,J)