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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.412 OF 2015

Sarvar Mohd Ishak Shaikh	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.R.V.Gupta, for the Applicant.
Ms.A.T.Javeri, APP for the Respondent – State.
PSI – Lad, Byculla Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.
DATED : 4th MARCH, 2015.

PC.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.81 of 2014 registered with the Byculla Police Station, Mumbai, for the alleged offences punishable under Sections 307, 326, 324, 504, 506(ii), 34 of the Indian Penal Code r/w Sections 4 and 25 of the Arms Act.

3. Learned Counsel for the applicant states that the co-accused-

Imtiyaz, who is also alleged to have caused grievous injury i.e. fracture to Rajesh Salgaonkar has been released on bail. He states that the present applicant is alleged to have assaulted Rajesh Salgaonkar causing a grievous injury i.e. an incised wound. It is alleged by the first informant that on 17th March, 2014, while they were playing holi, one Aditya Chavan came to him and told him, that he was slapped by the present applicant, when he tried to intervene, between the persons who were fighting. It is alleged that when the first informant along with his friends, went to the spot of the incident, to inquire with the applicant as to why he had slapped Aditya Chavan, the applicant and Imtiyaz started abusing, pushing and threatening the first informant and his friends. It appears that a complaint has also been registered at the instance of co-accused - Imtiyaz. In the fight, co-accused – Imtiyaz has also received an injury on his head. The learned counsel submits that after filing of the charge-sheet, the parties have amicably settled their dispute and accordingly the complainant had filed an affidavit in the High Court in Writ Petition Nos.2822 of 2014 and Writ Petition No.2837 of 2014, stating therein, that the parties have settled the matter and they have no objection for quashing the case. It appears that the said Writ Petitions were withdrawn by the petitioners therein.

4. Learned APP opposed the present bail application. She submits that the applicant has antecedents and that there were 10 cases, previously registered against him. Learned Counsel for the applicant states that in all the 10 cases the applicant has been acquitted. The same is not disputed by the learned APP

5. Considering the nature of allegations and the fact that there is a cross case against the first informant and others at the instance of co-accused – Imtiyaz, and the fact that charge-sheet is filed, the Applicant deserves to be enlarged on bail on the following terms and conditions ;

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Byculla Police Station, Mumbai, on 1st Saturday of every month, between 4 to 6 p.m, till the conclusion of the trial;
- iii) The Applicant shall not tamper or attempt to influence any person concerned with the case ;

iv) The Applicant shall co-operate in the conduct of the trial ;

v) It is made clear that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)