

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

BAIL APPLICATION NO.1855 OF 2015

Shafi Shaukat Sayyed. ...Applicant.
versus
The State of Maharashtra. ..Respondent.

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Ms. S.F. Sothe for the Appellant.
Mrs. S.D.Shinde, APP. for the State
PI Shri. Alaknure Khar Police Station present.

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CORAM : A.S. GADKARI, J.**DATE : 4th December, 2015.****P.C. :**

The applicant is seeking bail in CR No.197/2015 registered with Khar Police Station, Mumbai under Section 307 read with 34 of the I.P.C. and under sections 3,25 and 27 of the Arms Act.

2) The complaint is filed by Mr. Harpitsingh Arora on 4.5.2015 stating that due to the earlier litigation and/or disputes the accused No.1 Sanjay Pawar had threatened the complainant of dire consequences. That, on 3.5.2015 at about 2.30p.m. the accused No.1 Sanjay Pawar and the present applicant came on a motor cycle on the spot of incident. The said motor cycle was being driven by the present applicant Shafi Sayyad. Sanjay Pawar got down from the motor cycle and took out a fire arm and tried to fire with in at the complainant

but he could not succeed in the same. Therefore, the present applicant snatched the said fire arm from the hands of Sanjay Pawar and fired towards the complainant however, the bullet hit near number plate of his car. The investigation was carried out and the charge sheet has been filed. From the perusal of the charge sheet, it appears that the Investigating officer has failed to recover the fire arm so also the bullet which was fired and which ought to have found at the place of offence. It also appears that empty cartridge was also not recovered by the Investigating officer. The applicant was arrested on 4.5.2014 and since then he is in Jail. That, except the statement of the applicant and the fact that a few intact cartridges were recovered from the motor cycle of the applicant, there is no other material to connect the present applicant with the crime. In view of the same, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

- a) The applicant shall be released on bail in CR No.197/2015 registered with Khar Police Station, Mumbai on his furnishing PR bond of Rs.1,00,000/- with one or two solvent sureties in the like amount.
- b) After his release from Jail, the applicant shall report to the Khar Police Station Mumbai between 10.00 a.m. and 12.00 noon on every first Monday of the month till the conclusion of the trial.
- c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- d) The applicant shall furnish documents of his residential

address and mobile no. to the Investigating officer.

e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)