

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2423 OF 2014

Zubair Jafar Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Satyavrat Joshi, advocate for Applicant.

Ms. Veera Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 23, 2015

P.C.:

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

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 5/1/2014 in
Crime No. 4 of 2014 registered at Khadki Police Station for offence
punishable under Section 307, 323, 326, 143, 147, 148, 149 of the
Indian Penal Code. Investigation is completed and charge-sheet is
filed.

3 It is the case of the prosecution that on 5/1/2014 Ganesh
Digambar Koli lodged report at the police station alleging therein that
there was an altercation between two groups over previous incident.
The applicant and his associates wanted to seek vengeance from the
complainant and hence, they had assaulted Santosh with iron sickle.
The complainant and others had tried to pacify. However, they were
threatened of dire consequences. Santosh was taken to hospital.

4 Perused the injury certificate. It prima facie appears that the
injuries were on ulna, wrist. There was partial amputation due to
fracture. The injured was discharged from the hospital after 17 days.

5 Taking into consideration the fact that the applicant has been
in jail for almost one year and two months and that there were no
reported criminal antecedents against the applicant, this Court is
inclined to grant bail. It is made clear that the co-accused shall not
claim parity with the present applicant.

6 The observations made herein are prima facie in nature. The same shall not be considered while deciding the application for discharge or for quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)