

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

**CRI. BAIL APPLICATION NO. 626 OF 2016**

Asif Mustafa Shaikh

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

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Mr. Aniket Nikam, Advocate for the Applicant.

Mr. Arfan Sait, APP for the State.

PSI-R.M. Bhoje (Nigiri Police Station, Pune) is present.

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**CORAM : A. M. BADAR, J.**

**DATE : 21<sup>st</sup> JUNE, 2016**

**P.C. :**

1           The Applicant/accused in Crime No. 528 of 2015 for the offences punishable under sections 143, 144, 147, 148, 149, 307, 427 r/w. 120-B of the Indian Penal Code and under section 3 of the Prevention of Damage to the Public Property Act, 1984 and under section 37 (1) read with section 135 of the Maharashtra Police Act, registered with Nigdi Police Station, Pune, by this application is praying for releasing him on bail during pendency of the trial.

2           Heard the learned counsel appearing for the Applicant/accused as well as the learned APP for the State.

3           The incident in question had taken place on 27<sup>th</sup> October, 2015. According to the prosecution case at 9.15 p.m. on that day, young boys on 3 to 4 motor vehicles were riding towards Sidhavinayak Temple by shouting in filthy language and damaging the vehicles of passersby on road and in that process they have also assaulted the passersby and the informant. FIR lodged by informant-Jitendra Sonpetkar averred that one of the bike rider drove his vehicle on the person of the informant and the pillion rider thereof gave blow of wooden stick to the informant, thereby causing him injuries.

4           Now the investigation is over and the charge-sheet is filed. The trial will take its own time. As such, his pre-trial detention is not warranted and hence, the following order :-

### **ORDER**

- i. The application is allowed.
- ii. The Applicant/accused in Crime No. 528 of 2015 for the offences punishable under sections 143, 144, 147, 148, 149, 307, 427 r/w. 120-B of the Indian Penal Code and under section 3 of the Prevention of Damage to the Public Property Act, 1984 and under section 37 (1) read with section 135 of the Maharashtra Police Act, registered with

Nigidi Police Station, Pune, be released on bail during pendency of the trial, on executing PR bond of Rs. 50,000/- with one or two solvent sureties in the like amount.

- iii. As a condition of this order, Applicant/accused is directed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that the applicant shall not tamper with the prosecution evidence in any manner.
- iv. The Applicant should not commit the offence of similar nature in future.
- v. The applicant should co-operate for expeditious disposal of the trial.

The bail application is disposed of accordingly.

(A. M. BADAR, J.)

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