

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 66 OF 2017

Mr. Sufiyan Mohd Anis Shaikh ... Applicant
Vs.
1. Sr. Police Inspector,)
V.B.Nagar Police Station, Kurla,)
Mumbai.
2. The State of Maharashtra) Respondents

Mr. Mateen Abdul Rahim Shaikh, Advocate for the applicant.

Mrs. P.P. Shinde, APP, for the State.

CORAM: SMT. SADHANA S. JADHAV, J.

DATE : 3rd March, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 12.9.2016 in Crime No.220 of 2016 registered at V.B.Nagar Police Station. The investigation is completed and charge-sheet is filed under Sections 307, 323, 504, 506 (II), read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 12.9.2016, Shahbaz Ansari lodged a report at the police station alleging therein that he was acquainted with the present applicant as well as Shahnawaz Shaikh. That on 13.9.2016, it was Bakri Eid and therefore he was preparing the goats for the same. He had been to Mubarak complex. At about 4.45 p.m. he met his friends Danish Khan, Aarif Shaikh, Owais Ansari, Ibrahim Shaikh and

Ismail Shaikh. They were collecting fodder for the goats. At that time, the present applicant and Shahnawaz Shaikh were also seen carrying fodder. One of the she-goats started eating the fodder which was being carried by the present applicant. He got annoyed with it and started abusing the complainant and Ismail. There was an altercation. At that time, Sufiyan i.e. the present applicant had assaulted Ibrahim. Ismail tried to intervene and he was also assaulted by the present applicant. Ismail was taken to the hospital. He had sustained an incised wound which was a grievous injury. Ibrahim had also sustained a grievous injury.

3. The learned counsel for the applicant submits that it was a cross case, on the basis of which crime No.223 of 2016 was registered at the same police station. It is fairly submitted by the learned APP that the applicant has no criminal antecedents.

4. The learned counsel for the applicant has placed on record the medical papers which show that the applicant is suffering from psychosis and is taking psycho therapy at Dr. Sajid's Mind Clinic since 2009. The papers would indicate that he is under treatment. He was also treated by Dr. Sunil Shanbhag.

5. The learned counsel for the applicant submits that the applicant's health is deteriorating and hence, he prays for provisional cash

bail for a period of two weeks. The prayer is granted.

6. Taking into consideration the fact that the investigation is completed and charge-sheet is filed and that the applicant is suffering from mental disequilibrium, the applicant deserves to be enlarged on bail.

7. The observations are prima facie in nature and the learned Sessions Judge shall not be influenced by the same at the time of trial.

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local solvent sureties in the like amount.

(iii) The applicant shall not enter into the jurisdiction of V.B. Nagar Police Station till conclusion of trial.

(iv) The applicant be enlarged on provisional cash bail which will remain in force for a period of two weeks from today and during that period the applicant shall furnish local solvent sureties to the satisfaction of the trial Court.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)