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

BAIL APPLICATION NO. 473 OF 2017

Dilshad Hussain Shahnasha Sayyed & Anr. .. Applicants
Vs.
The State of Maharashtra .. Respondent

Mr. M. A. Khan i/b Satyaram R. Gaud for the Applicants.
Ms. Jyoti S. Lohokare, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 2nd MAY, 2017.

P. C. :

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in C. R. No. I-258 of 2016 registered with Mumbra Police Station under Section 302, 307, 323, 504 read with 34 of the Indian Penal Code.

2. The First Information Report is lodged by Mohd. Shueb Nurul Hasan Shaikh father of deceased Ahmed Raja. It is the prosecution case, that the son of the applicant namely, Samar was having an affair with Ms. Nida, sister of deceased Ahmed Raja. That, there were some quarrels which took place prior to the date of incident between the parties. That on 22.05.2016 at about 00.15 a.m. a quarrel took place between accused No.1 Samar and the applicants on one side and the family members of the deceased Ahmed Raja on the other side. That the said quarrel ensued in a scuffle and when the said scuffle was going on, Samar went inside his

house and brought a knife and assaulted Ahmed Raja with the same. Ahmed Raja suffered grievous injuries and collapsed on the spot. The said injured was taken to hospital. He succumbed to injuries on 22.05.2016. During the course of investigation, the police arrested the applicants on 22.05.2016. After completion of investigation, the police have submitted charge-sheet.

3. Heard the learned counsel for the applicants, learned APP and perused the copy of the charge-sheet.

It is to be noted here that in his statement the first informant Mohd. Shoeb Shaikh has categorically stated that when he was trying to explain the applicants and pacify the quarrel, Samar went running to his house, brought a knife and all of sudden assaulted Ahmed Raja on the vital parts of his body. It appears from the record that some of the witnesses are corroborating to the said version of the first informant. It is, thus prima facie, clear that the applicants who are the mother and father of accused No.1 Samar did not share common intention with Samar in committing the assault with a weapon on deceased Ahmed Raja. It further appears from the record that Samar is instrumental in causing the grievous injuries on the person of the deceased.

4. In view of the above, the applicants have made out a case for their release on bail.

Hence the following order:

(i) The applicants be released on bail in C. R. No. I-258 of 2016

registered with Mumbra Police Station on their furnishing P.R.
Bond of Rs.25,000/- each with one or two separate local
sureties in the like amount.

(ii) After their release from jail, the applicants shall attend the
Mumbra Police Station on every first Monday of the month
between 11.00 a.m. to 1.00 p.m.

(iii) The applicants shall also attend all the dates before the Trial
Court.

(iv) The applicants shall not tamper with the evidence
and/or influence the prosecution witnesses.

(v) The application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]