

Amk

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

ANTICIPATORY BAIL APPLICATION NO. 553 OF 2017

Ismail Jallaudin Shaikh

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr. Gautam Kanchanpurkar a/w Nandlal M. Trimbake or the Applicant.

Mr. M. G. Patil, APP for the State/Respondent.

CORAM : A.S. GADKARI, J.

DATE : 7th APRIL, 2017.

P. C. :

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in C. R. No. 299 of 2016 registered with Dharavi Police Station, Mumbai.

2. The First Information Report is lodged by Shri Rizwanullah Paymuddin Khan. It is the prosecution case that the accused No. 1 Chand and other three accused persons including the applicant demanded an amount of Rs.25,000/- from the complainant as ransom. That the complainant refused to fulfill the demand of the accused persons and therefore, on 09.06.2016 at about 9.00 p.m. (21.00 hours) the accused persons including the applicant assaulted the complainant with kicks and fist blows. When the complainant was being assaulted by the applicant and the other accused, accused No.1 Chand took out a knife from his pocket and stabbed the complainant on left side on his chest. The accused persons thereafter ran away. During the course of investigation,

the applicant came to be arrested on 10.06.2016. After completion of investigation, the police have submitted charge-sheet on 05.09.2016.

3. The record reveals that the witnesses in the present crime are corroborating the version of the complainant Rizwanullah. All the witnesses have stated that the applicant along with other accused persons was assaulting the complainant with kicks and fist blows and it is the accused No.1 Chand who took out a knife from his pocket and stabbed the complainant on the left side of his chest. Prima facie, it appears that the applicant did not share common intention with accused No.1 Chand. As far as Section 385 applied to the present crime is concerned, it is a bailable offence.

4. In view of the above, the applicant has made out a case for his release on bail.

Hence, the following order:

- (i) The applicant shall be released on bail in C. R. No. 299 of 2016 registered with Dharavi Police Station, Mumbai on furnishing PR bond of Rs. 25,000/- with one or two solvent local sureties in the like amount.
- (ii) After his release from jail, the applicant shall attend Dharavi Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.
- (iii) The applicant shall also attend all the dates before the Trial Court.

- (iv) Any two consecutive defaults in compliance with the aforesaid conditions shall attract the provisions for cancellation of bail.
- (v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (vi) The application is allowed in the above terms.

[A. S. GADKARI, J.]