

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No.759 OF 2017

Shaikh Mahemood Shaikh Maheboob alias .Applicant
Yaqoob

Vs.

The State of Maharashtra .Respondent

Mr.M.N.Sandhyanshiv, Advocate, for the Applicant
Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.04.2017

P.C.

. Heard learned counsel for the Applicant and the
learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his
enlargement on bail in connection with C.R.No.266 of 2016
registered with the Chhavni Police Station, Malegaon, Nashik, for
the alleged offences punishable under Sections 120B, 143, 144,
146, 147, 148, 149, 307, 323 & 326 of the Indian Penal Code.

3. Learned counsel for the Applicant states that no
overt act has been attributed to the Applicant. He submitted that
the Applicant has been arrested only because he was present at

the spot and as such was a member of an unlawful assembly.

4. Learned APP does not dispute the fact that no role has been ascribed to the Applicant by any of the witnesses.

5. Perused the paper. Admittedly, Sohail Ahmed and Sajid Altaf Hussain were assaulted by Malik Khalil. Although, the Applicant has not assaulted, nevertheless, it prima facie appears that the Applicant was a member of the unlawful assembly. However, whether or not the Applicant is a member of the unlawful assembly will be decided by the trial Court. There are no antecedents qua the Applicant and investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms and conditions :

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the **first Monday of every month** between **10:00 a.m. to 11.00 a.m.** till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the

observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)