

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1504 OF 2017

Shakeel Ahmed Alijan Shaikh	Applicant
versus	
The State of Maharashtra	Respondent

AND

BAIL APPLICATION NO.1505 OF 2017

Azim Abbas Solkar	Applicant
versus	
The State of Maharashtra	Respondent

Smt.VV.Thorat for Applicants.

Mr.M.G.Patil, APP, for State in BA No.1504/2017.

Smt.J.S.Lohokare, APP, for State in BA No.1505/2017.

Mr.Rajane, Police Inspector, Oshiwara Police Station, present.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 31st July 2017

PC :

1. By these applications, the applicants seek bail in connection with CR No.76 of 2017 registered with Oshiwara Police Station for offences punishable under Sections 307, 326, 323, 504 read with Sections 34 read with Section 120B of Indian Penal Code. Both the applicants were arrested on 3rd March 2017. Investigation is complete and charge sheet is filed.

2. The prosecution case is that the applicants were involved in assaulting the injured person Muslim Juman Pathan, who lodged the

first information report on 2nd March 2017. It is alleged that the applicants are henchmen of Abdul Ahad Khan and at his instance they assaulted the injured. It is alleged that there is animosity between complainant and the accused persons, which has resulted in assault. It is alleged that the applicant in Bail Application No.1504 of 2017 has signaled to another person and the injured was assaulted by the applicant in Bail Application No.1505 of 2017. During the course of investigation, CCTV camera footage was collected by police. However, the CCTV camera footage is not very clear and there is no statement that the applicants are the persons who were seen in the CCTV camera footage.

3. Learned counsel for applicants submitted that on account enmity, they have been falsely implicated in this case. It is alleged that they are associates of Abdul Ahad Khan. The injured has sustained injuries and one of them is grievous. The injured is out of danger and he is discharged from hospital. It is further submitted that there are no antecedents against the applicants. Investigation is complete and charge sheet is filed.

4. Learned APP submitted that both the applicants are named in the FIR. The role has been assigned by the complainant to the applicants. The injured has sustained grievous injuries which is clear from medical certificate. Both the groups are having animosity against each other. Therefore, bail may be refused.

5. Perused the charge sheet annexed to the applications. Role assigned to the applicant in Bail Application No.1504 of 2017 is that he was present at the scene of offence, however, he did not

participate in the assault. It is true that the applicant in Bail Application No.1505 of 2017 has been assigned the role of assaulting the injured. However, investigation in respect to both the accused has been complete and charge sheet has been filed. There is no evidence that applicants are henchmen of Abdul Ahad Khan, which is evident from the remarks made in the charge sheet by investigating machinery. The applicants are in custody from 3rd March 2017 and on certain conditions, bail can be granted to the applicants.

6. Hence, I pass following order :

ORDER

- (i) The applicants in Bail Application Nos.1504 of 2017 and 1505 of 2017 be released on bail in connection with CR No.76 of 2017 registered with Oshiwara Police Station, Mumbai, on furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (ii) The applicants are directed to report the investigating officer of Oshiwara Police Station, Mumbai once in the month on every first Saturday between 11.00 a.m. and 1.00 p.m. till further orders;
- (iii) The applicants shall not tamper with the evidence and shall not influence the witnesses;
- (iv) The applicants shall attend the Trial Court during hearing regularly;
- (v) Both the applications are disposed of.

(PRAKASH D. NAIK, J.)