

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

BAIL APPLICATION NO. 1725 OF 2017

Shabbir Shaukat Hussain Shaikh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.Abhishek Yende, Advocate for the Applicant.
Mr.Deepak Thakare, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 1, 2017.

P.C. :

This is an application for bail in connection with C.R.No. 382 of 2015, registered with Nirmal Nagar Police Station, Mumbai for the offences punishable under Sections 302, 307, 141, 143, 146, 147, 148, 149, 323, 504 and 506 of IPC.

2 The prosecution case is that the applicant and the other accused were assaulted the deceased Vikas Kamble and his friend on account of earlier incident of assaulting one Nashir Shaikh, who had succumbed to the injuries. The accused obstructed the informant on the road and abused him. Some of them assaulted the injured person by means of iron rod and fist

blows. The injured Vikas Kamble succumbed to the injuries. The applicant has been assigned the role of assaulting the victim by fist and kick blows. The applicant has been arrested on 21st December, 2015. Investigation has completed and charge-sheet has been filed. Learned APP submitted that the participation of the applicant is evident from the statement of the witnesses. The applicant was present at the scene of incident and has assaulted the deceased and the other injured persons. It is, therefore, submitted that the involvement of the applicant is established in the crime. It is also submitted that two cases are registered against him in the year 1992 and 2002.

3 On perusal of the charge-sheet it is apparent that the applicant had participated in the crime. However, the role attributed to the applicant is that he has given fist and kick blows. The incident had occurred on the road when the informant was obstructed by the applicant and other persons. He being in custody since December 2015, further detention is not necessary.

4 In the circumstances, bail may be granted to the applicant on certain conditions.

5 Hence, I pass the following order :-

:: ORDER ::

- (i) Bail Application No.1725 of 2017, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No. 382 of 2015, registered with Nirmal Nagar Police Station, Mumbai, on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or more sureties in the like amount;
- (iii) The applicant is directed to report Nirmal Nagar Police Station, Mumbai, on first Saturday of every month between 11:00 a.m. to 1:00 p.m., till further orders;
- (iv) The applicant shall not tamper with the prosecution witnesses;
- (v) The applicant shall attend all the dates of hearing before the trial Court;
- (vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)