

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2058 OF 2016

Sameer Firoz Shaikh @ Badda ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Aniket Vagal, Advocate for the applicant.
Ms. R.M.Gadhvi, APP, for the State.
Mr. A.N.Gaikwad, API, Deonar Police Station. present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 13th January, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.
The applicant herein is arrested on 25.3.2016 in Crime No.71 of 2016 registered at Deonar Police Station. The investigation is completed and charge sheet is filed against the applicant under Sections 307, 324, 341, 504, 323 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 18.3.2016, Shahnawaz @ Shanu Muzaffarali Shaikh was admitted in Sion Hospital as he had sustained injuries. Statement of the injured was recorded as it appeared to be a medico-legal case. He has disclosed to the police that on 18.3.2016 he

along with his friend Irfan had met Kallu @ Gavrav who had threatened them. The injured along with Irfan had proceeded towards Govandi Police Station. At about 12 noon, when they were in front of Vikas Bar, they met Kallu. Kallu had raised the quarrel. At that time, the accused No.1 had assaulted the injured with a sword. According to him, the present applicant happens to be a close associate of accused No.1 Bebo. It is alleged that the present applicant had assaulted the injured with a bamboo after he was assaulted by accused No.1 with a sword. On the basis of his report, Crime No.71 of 2016 was registered and charge-sheet is filed.

3. Perused the Injury Certificate. It appears that Shahnawaz had sustained one contused lacerated wound on right parietal region which was in the nature of depressed fracture and there was one linear friction abrasion on the back. Prima facie, it appears that the original accused No.1 is the author of injury Nos. 1 and 2. The allegation against the present applicant is that he had assaulted with a bamboo. That the co-accused – Altamash has been enlarged on bail by this Court (Coram A.S.Gadkari, J.) vide order dated 14.9.2016 and it is specifically observed that it was Shahnawaz @ Shanu Shaikh who had assaulted a member of the group of the applicant. There appears to be cross cases. On the basis of the report of Shahnawaz,

Crime No.72 of 2016 is registered under Section 307 of the Indian Penal Code.

4. Taking into consideration the material against the applicant, the papers of investigation and the fact that the charge-sheet is filed, this Court is of the opinion that the applicant deserves to be enlarged on bail.

5. The observations herein are restricted to an application under Section 439 of Cr.P.C. and the same shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more local solvent sureties.
- (iii) The applicant shall furnish his permanent address, cellphone number and other details to the police upon being enlarged on bail.
- (iv) The applicant shall report to the concerned police station on first Sunday of each month till the framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)