

Anand

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

BAIL APPLICATION NO.2396 OF 2016

1. Shaikh Rashid Shaikh Ismile .Applicants
2. Abdul Razak Abdul Sanad
3. Shaikh Sajid Shaikh Shabbir

Vs.

The State of Maharashtra .Respondent

Mr.Chetan Damre, Advocate, for the Applicants
Mr.Prashant Jadhav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 17.04.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their enlargement on bail in connection with C.R.No.I-14 of 2016 registered with the Ramjanpura Police Station, Nashik, for the alleged offences punishable under Sections 307, 324, 149, 147, 148 & 143 of the Indian Penal Code.

3. Learned counsel for the Applicants submits that the Applicants are related to the complainant's side. He submits that with regard to the incident dated 08.03.2016, the Applicant No.1

has also lodged a cross case, being C.R.No.15 of 2016 with the very same police station alleging offences punishable under Sections 324 & 326 of the Indian Penal Code, as against the complainant and others. He submits that none of the injured have suffered any grievous injuries and that all the injuries are simple in nature.

4. Perused the papers.

5. The incident has taken place on 08.03.2016 at about 7.30 p.m. It is alleged that initially, a quarrel took place between the complainant's sister and the Applicants in which the complainant's sister was assaulted by the Applicants and others. It appears that the complainant and others came to the spot on hearing of the said assault. According to the complainant - Shaikh Imran Shaikh Chand, when he reached the spot, he saw that all the accused were giving kick and fist blows and were assaulting his sister with wooden sticks. He has stated that when he alongwith his brothers and others tried to intervene, the Applicant No.2 assaulted him with the Koyta on his head and others gave him kick blows; that the Applicant No.1 assaulted his brother - Rizwan on his head with a Sword.

6. The Injury Certificate of Shaikh Rizwan Shaikh Chand, brother of the complainant shows that he has sustained simple injuries with a sharp weapon i.e. stab wound on the left side of chest and C.L.W. on the right side forehead. As far as the complainant is concerned, he has sustained one injury on his head which is stated to be by a sharp object. The said injury is simple injury. As far as the complainant's sister is concerned, she has also sustained simple injuries i.e. C.L.W. on the right knee and C.L.W. on the left leg and contusion. It appears that with regard to the same incident, a cross case, being C.R.No.15 of 2016 was registered with the very same police station, at the instance of Applicant No.1, for the alleged offences punishable under Sections 324 & 326 of the Indian Penal Code, as against the complainant and others. None of the Applicants have any antecedents. The Applicants are in custody since March, 2016. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the Applicants are enlarged on bail on the following terms & conditions :-

O R D E R

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

the like amount;

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

(iv) The Applicants shall inform their 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 Applicants 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 applicants' bail.

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

9. 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.)