

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 17 OF 2018***

Ziya Tayyab Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Amin Solkar a/w Ms. Shaheen Shaikh, for the applicant.
Mr. S.H.Yadav, APP, for the State.
Mr. R.D.Parwar, PSI, Mumbai Naka Police Station, Nashik City.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 15th January, 2018.***

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 16.11.2017 in Crime No. 386 of 2017 registered at Mumbai Naka Police Station, Nashik initially for the offences punishable under Sections 143, 147, 148, 307, 353, 332, 333, 323, 504, 506, 149 and 120B of the Indian Penal Code.
2. It is a case of the prosecution that on 6.11.2017, one Yadav Vitthal Bacchav lodged a report at the police station that he happens to be a Talathi. That on 6.11.2017, he had been to purchase vegetables when he

was at the signal, one Altamash Shaikh and one Ziya Tayyab Shaikh i.e. the present applicant along with 3-4 unknown persons had mounted assault upon him with deadly weapons like iron rod and wooden stick. It appears that they had suspected that they were being prosecuted under Section 379 of the Indian Penal Code at the behest of the present applicant and therefore they had vengeance against the first informant.

3. Perused the papers of investigation. The first informant had sustained 5 abrasions on his scalp and other parts of the body. The abrasion on the scalp is shown as grievous injury.

4. The learned counsel for the applicant submits that in a fact even if the allegations are taken to be true, the offence that can be attributed to the present applicant would fall under Section 325 of IPC.

5. Taking into consideration the papers of investigation and the submissions advanced across the bar, the custodial interrogation in the present case would not be imperative.

6. It is made clear that the observations herein are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on every Saturday and Sunday between 10.30 a.m. to 12 noon till the filing of the charge sheet.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)