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

CRIMINAL BAIL APPLICATION NO.196 OF 2018

Mashak Fakhruddin Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.D.D.Mitra, i/b Fox Mandal Partners, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

PSI – S.B.Zarekar, Shivaji Nagar Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.315 of 2016 registered with the Shivaji Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 397, 395, 506(II), 427 and 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submitted that the co-accused having a greater role and who were named in the FIR have been enlarged on bail by this Court vide order dated 19th July, 2017 and 4th October, 2017 respectively. He submitted that the applicant was not named in the FIR and was named only subsequently. He submitted that there are serious discrepancies in the said statements.

4. Learned APP does not dispute the fact that the role of the present applicant is at par with the co-accused who have been enlarged on bail.

5. Perused the charge-sheet. With respect to the incident dated 7th August, 2016, there is a cross complaint which was registered by the applicant's side i.e. C.R.No.316 of 2016 alleging offences punishable under Sections 397, 395, 506(II), 427, 34 of the Indian Penal Code. Admittedly, the name of the applicant is not disclosed in the FIR but was revealed subsequently. A perusal of the injury certificate shows that co-accused had also sustained injuries and that one of the injury was grievous in nature. As

far as the injuries sustained by the complainant in the present case are concerned, the injuries are simple in nature. The applicant is in custody since August, 2016. Investigation is complete and charge-sheet is filed. There are no criminal antecedents, qua the applicant. The role of the applicant is at par with the co-accused who have been enlarged on bail.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

iv) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)