

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

CRIMINAL BAIL APPLICATION NO. 355 OF 2018

Sadik Nabilal Sayyed

... Applicant.

Versus

The State of Maharashtra

... Respondent.

Ms. Zainab Bee Khan, Advocate for the Applicant.

Mr. S. S. Hulke, APP for the State.

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

CORAM : REVATI MOHITE DERE, J.

DATE : MARCH 13, 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. 316 of 2016 registered with the Shivaji Nagar Police Station, Mumbai for the alleged offences punishable under Sections 397, 395, 506 (2), 427 r/w 34 of the Indian Penal Code and under sections 4 & 25 of the Arms Act.

3 Learned counsel for the Applicant submits that the applicant has been falsely implicated in the said case. She submits that with respect to the incident dated 07.08.2016, the Applicant has also lodged an FIR/complaint, which was registered vide C.R.No. 315 of 2016 as against the complainant - Sameer (in CR No. 316 of 2016), for the alleged offences punishable under sections 397, 395, 506 (2), 427, r/w 34 of the Indian Penal Code. She submits that in the said incident the applicant and co-accused Mukhtar had also sustained injuries.

4 Learned APP opposed the application.

5 Perused the papers. The incident took place on 07.08.2016 in the afternoon. According to the complainant-Sameer (in C.R. No. 316 of 2016) when he was distributing sweets, accused persons namely - Mukthar, Sadik, Imran, Rizwan, Jamil and Danish came towards him; that the applicant assaulted him with the sword; that co-accused Mukhtar, Imran chased him and thereafter, Mukthar again assaulted him with a sword and Jamil and Danish assaulted him with bamboo sticks. With respect to the same incident, there is a cross-complaint/FIR lodged by the present Applicant as against complainant, which was registered vide C.R. No. 315 of 2016, for the alleged offences punishable under sections 397 & 395 etc.. The applicant and co-accused Mukthar have also received injuries, although simple, in the said incident.

6 As far as C.R. No. 316 of 2016 is concerned, Mohammed Mansuri has received a simple injury and complainant-Sameer has received two simple injuries and one grievous injury. All other co-accused have been enlarged on bail. Investigation is complete and the charge-sheet is filed. The Applicant has no antecedents.

7 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 two sureties in the like amount;
- ii) The Applicant shall report to the concerned police station on first Saturday of every month from 10.00 a.m. to 11.00 a.m., till the conclusion of the trial;
- iii) The Applicant shall not contact the complainant or any other witnesses concerned with the said case;
- iii) The Applicant shall co-operate in the conduct of the trial;

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

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

10 All concerned to act on the authenticated copy of this order, duly issued by the Registry of this court.

(REVATI MOHITE DERE, J.)

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