

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 858 OF 2018**

Saeed Alias Gabbar Noormohammad Shaikh ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Vishal Patil for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 13th APRIL, 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. 199 of 2017 registered with the Thane Police Station, Thane, for the alleged offences punishable under Sections 307, 507, 506 r/w 34 of the Indian Penal Code and under Sections 37(1), 135 of the Bombay Police Act and under Section 4(25) of the Arms Act.
3. Perused the charge-sheet, in particular, the statement of the injured. The incident has taken place on 10th October, 2017 at about 4:00

p.m. According to the prosecution, the applicant along with other co-accused Gabbar came to the spot and questioned the complainant's uncle-Amar as to why he had lodged a complaint with the TMC against them. It is further alleged that the accused started abusing them, pursuant to which, co-accused Akbar pulled out a chopper from his waist and assaulted his uncle-Amar. Co-accused-Akbar is also alleged to have assaulted complainant-Manoj and his friend-Shishupal. Although the applicant is alleged to be present on the spot, he is not alleged to have assaulted any of the said persons. The applicant is in custody since October, 2017. Investigation is complete and charge-sheet is filed. Learned counsel for the applicant states that the applicant has no antecedents. The said statement is accepted.

4. 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 executing PR Bond in the sum of Rs. 25,000/-, with one or more local solvent sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first Sunday of every month from 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 or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number 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 applicant to cooperate with the conduct of the trial;

(vi) The applicant shall filed an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults in appearing before the trial Court or in reporting to the Investigating Officer and if there

is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The application is accordingly disposed of.

6. 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.

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

REVATI MOHITE DERE, J.