

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

ANTICIPATORY BAIL APPLICATION NO. 902 OF 2018

Rashid Papamiya Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Satyam Nimbalkar for the Applicant.

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

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 10, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in Crime No.33 of 2018 registered with Wadgaon Mawal Police Station for offences under Section 307, 323, 324, 504, 506, 109 r/w. 34 of Indian Penal Code.

2. Heard Mr. Nimbalkar, the learned Counsel for the applicant and Shri Pednekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Anwar Hussain Ibrahim Shaikh. It is the case of the first informant that on 20th February, 2018 at about 10.30 a.m. he had received a call from his father stating that the present applicant and his son i.e. the co-accused were abusing him. The first informant went to the place of incident and found that Amir Rashid Shaikh, son of the present applicant was assaulting his father by a motorcycle silencer. When the first informant intervened, the co-accused assaulted him and as a result he sustained injuries on his hands and legs. It is alleged that the father of the first informant had also sustained injuries as a result of the said incident. The role attributed to the applicant herein is that he had instigated his son to inflict injuries on the first informant and his father.

4. The records prima facie reveal that the applicant herein was not armed with any weapon and that he was not involved in inflicting any injury either on the first informant or his father. The co-accused, who had played active role has been granted regular bail.

This applicant was granted interim bail by order dated 2nd May, 2018 and was directed to report to the Investigating Officer for the purpose of interrogation. It is submitted that the applicant has already complied with the said direction and that he has been interrogated, and the investigation has concluded and chargesheet is already filed. The presence of the applicant is therefore not required for the purpose of investigation or interrogation. The applicant is a permanent resident of Wadgaon, Maval. There are no chances of his absconding or thwarting the course of justice. The applicant has no criminal antecedents.

5. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the applicant in Crime No.33 of 2018 registered with Wadgaon Mawal Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The applicant shall provide his permanent as well as temporary

address, if any, and his contact details to the Investigating Officer.

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(iv) The applicant shall not tamper with the evidence or interfere with the complainant and the other witnesses in any manner.

Prasanna
Pradeep
Salgaonkar
Digitally
signed by
Prasanna
Pradeep
Salgaonkar
Date:
2018.10.11
18:11:54
+0530

(ANUJA PRABHUDESSAI, J.)