

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

BAIL APPLICATION NO.1403 OF 2018

Mr. Asif Chand Badshah Shaikh

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Viraj Kadam for the Applicant.

Mr. Ajay Patil, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 30th JULY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in C.R.No.186 of 2017 dated 11.05.2017 registered with Shivaji Nagar Police Station, Mumbai under Sections 307, 452, 506(ii), 504 r/w.34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the charge-sheet.
3. The First Information Report is lodged by Mr. Rashid Sayyed. It is the case of prosecution that, Accused No.3 Rashid Jagga was having enmity with the applicant and his family members. That, on 10.05.2017 at about 11.30 p.m., Accused No.3 Rashid Jagga alongwith applicant (Accused No.2) and co-accused Shanu Champa

(Applicant No.1) committed criminal trespass in the house of the informant and the applicant assaulted the informant with an iron pipe and Accused No.3 Rashid Jagga assaulted with a sword on his head.

During the course of investigation, the applicant came to be arrested on 11.05.2017 and after completion of investigation, the police have submitted charge-sheet.

4. The medical record of first informant indicates that there is one solitary injury i.e. CLW-Prital (scalp) suffered by him with blunt/sharp object and there is no other corroboration to the allegation of assault with iron pipe. There are no antecedents at the discredit of the applicant.

5. Learned APP has expressed an apprehension to the life of the witnesses and if the applicant is released on bail. It is submitted that he may tamper with the evidence and/or pressurize the prosecution witnesses. The said apprehension can be taken care of by imposing stringent conditions.

6. In view thereof, the applicant can be released on bail.

Hence, the following order.

a) The applicant be released on bail in C.R.No.186 of 2017

dated 11.05.2017 registered with Shivaji Nagar Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) Before his release from Jail, the applicant shall submit the documents of his prospective residence with the Shivaji Nagar Police Station, Mumbai.

c) After his release from Jail, the applicant shall not enter the jurisdiction of Shivaji Nagar Police Station, Mumbai except marking his presence as directed hereinbelow.

d) After his release from Jail, the applicant shall attend the Shivaji Nagar Police Station on every alternate Monday of the month between 11.00 a.m. and 2.00 p.m. until further orders or until the conclusion of trial, whichever is earlier.

e) The applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.

f) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)