

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

BAIL APPLICATION NO. 2739 OF 2017

Samir @ Kalya Sameer Gaus Mohd. Shaikh ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr. Akram Kapoor for the Applicant.

Mrs. J.S. Lohokare, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 12th FEBRUARY, 2018

P.C.:

. This is an application under Section 439 of Cr.PC. for bail in C.R. No. 72 of 2016 dated 28.02.2016 registered with Mankhurd Police Station, Mumbai under Sections 307, 143, 144, 148, 149, 324, 504, 506(2) read with Section 34 of the Indian Penal Code and under Section 37(1) read with 135 of the Mumbai Police Act read with Sections 4, 25 of the Indian Arms Act.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

It is the prosecution case that first informant and other witnesses were the members of Ekta Residents Organisation and the principal accused Mani Kandan and the other accused persons including the Applicant were opposing benevolent work undertaken by the said organisation and therefore, on 27.02.2016 between 10.30 p.m. to 10.45 p.m. assaulted the first informant and other witnesses with

swords. The present Applicant further assaulted first informant with sword on his both hands and also caused damage to the vehicles parked in the said area.

3 Perusal of record would indicate that the first informant and other witness have not received any serious injuries and have received only bruises and abrasion with swelling. The Medical Officer has opined that the said injuries are simple in nature and are caused by blunt object. The Applicant was arrested on 28.02.2016 and for last about 2 years, he is in jail.

4 In view of the above, Applicant can be released on bail.

Hence, the following order:

i) The applicant be released on bail in C.R. No. 72 of 2016 dated 28.02.2016 registered with Mankhurd Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.

iii) The applicant shall also attend all the dates before the Trial Court.

iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)