

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

CRIMINAL BAIL APPLICATION NO. 708 OF 2019

Altaf Hamid Noormohamed Shaikh	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Sudeep Pasbola a/w. Mr.Bhavesh Thakur and Mr.Karl Rustomkhan
i/b. Mr.Rahul Arote for Applicant.
Mr.S.S. Hulke, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 15th March 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in connection with C.R. No. 495 of 2018 dated 12/08/2018 registered with Ghatkopar Police Station, Mumbai, for the offence punishable under Section 307, 506(2), 109, 115, 143, 147, 148, 120-B of the Indian Penal Code and Section 4 and 25 of the Arms Act.

2] Heard the learned counsel for the applicant and the learned APP for the respondent-State. Perused the chargesheet.

3] Mr.Pasbola, the learned counsel for the applicant submitted that the injured has suffered in all three cut wounds; out of which as per prosecution the applicant is the author of injury No.1 mentioned on page No.102 of the application. He further submitted that, the other two accused who are attributed with the role of assault and causing other two cut wounds mentioned at serial Nos.2 and 3 on page No.102 have been released on bail by the trial Court and therefore, the applicant is entitled to be released on bail on the ground of parity.

4] The record indicates that the applicant along with other four accused persons assaulted Laxminarayan Vishwakarma due to prior enmity arising out of the ownership of a shop gala on the date and time of incident. It is alleged that the accused persons used knife, iron rod and shock-absorber made up of steel while committing the crime. The other accused persons who took active participation in the crime have been released on bail by the trial Court.

In view of the above, I am of the view that the applicant is entitled to be released on bail on the ground of parity.

5] Hence, following order.

- (i) The applicant in C.R. No.495 of 2018 registered with Ghatkopar Police Station, Mumbai, be released on bail on his furnishing P.R. Bond of Rs.50,000/- alongwith one or two solvent sureties in like amount.
- (ii) The applicant shall not tamper with the prosecution evidence and not to give any threats to the informant or witnesses.
- (iii) The applicant shall attend each and every date before the trial Court unless precluded on medical grounds. The Prosecution is at liberty to file an application for cancellation of bail in case of two consecutive defaults.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]