

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1033 OF 2019**

Naseer Karim Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Nadar Solomon John for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. T. B. Kapade, from Badlapur (West) Police Station, Thane, is present.

CORAM : REVATI MOHITE DERE, J.
MONDAY, 15th JULY 2019

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. I-140 of 2018 registered with the Badlapur (West) Police Station, Thane, for the alleged offences punishable under Sections 307, 341, 504, 506, 143, 144, 146, 147, 148 and 149 of the Indian Penal Code; under Sections 3 and 25 of the Indian Arms Act and under Sections 37(1) and 135 of the Maharashtra Police Act.

3 Perused the papers. According to the complainant-Sanjay Bhagat, the incident took place on 26th September 2018 at about 9:30 a.m. when he was proceeding in his auto-rickshaw with two female passengers from Badlapur Station to Badlapur Village. It is alleged by the complainant that when he reached near the Maharashtra Chicken Centre at Rameshwadi, one auto-rickshaw stopped his auto-rickshaw and before he could react, some persons got down from the said rickshaw and surrounded him. He has stated that some of the persons assaulted him with sharp-edged weapons. He has alleged that Altaf Shaikh (original accused No.1) held country-made pistol near his ear and abused him in filthy language and thereafter assaulted him with fist blows on his stomach. He has further stated that the applicant along with other accused assaulted him with fist and kick blows and threatened him in filthy language.

4 The injury certificate shows that the complainant had received several injuries i.e. a CLW over parietal bone (suturing done); CLW over frontal bone (head) (suturing done); abrasion over parietal bone and multiple abrasions on leg and a CLW over right upper hand wrist joint. All the injuries are stated to be simple injuries.

5 Learned counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record. The applicant has undertaken in the said affidavit not to indulge in any criminal activities hereinafter and also has undertaken not to tamper with the prosecution witnesses. The applicant is in custody since his arrest on 26th September 2018. Investigation is complete and charge-sheet is filed.

6 Having regard to the role allegedly played by the applicant and the affidavit tendered by the applicant, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

- (ii) The applicant shall attend the concerned Police Station on the first Saturday 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;

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

(viii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7 The application is accordingly disposed of.

8 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.

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

REVATI MOHITE DERE, J.