

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1217 OF 2019

Ba @ Firoz Dilawar Shaikh, Age 36 years,
Occ.Business, R/o.Gulabnagar, Dapodi,
District Pune. (Presently in jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Uday P. Warunjikar i/by Janaki R. Krishnan for applicant.
Smt.Veera Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th December 2019

PC :

1. This is an application for bail in CR No.668 of 2018 registered with Bhosari Police Station, Pune for offences under Sections 307, 143, 144, 147, 148, 149, 452, 504 and 506 of Indian Penal Code r/w Section 4(25) of Arms Act and u/s 37(1)(3) r/w 135 of Bombay Police Act.

2. The applicant was arrested on 1st November 2018. The prosecution case is that on 1st November 2018 at about 1.30 pm the applicant along with other accused assaulted the informant by swords and and trespassed into the property of complainant. The FIR was registered, investigation was conducted and on completing the same charge sheet is filed.

3. Learned advocate for applicant submitted that there are cross cases. The FIR was lodged at the instance of Jai @ Ketya Anand

Bhise on 1st November 2018 for offences under Sections 307, 143, 147, 148, 149, 452 of IPC r/w Sections 4 and 25 of Arms Act and under Section 37(1)(3) and 135 of Bombay Police Act. It is submitted that the wife of the applicant was assaulted by opponents including the complainant in the present case. It is further submitted that the accused in that case had preferred applications for bail and all of them are granted bail. It is further submitted that injuries sustained by the victim in the present case were not of serious nature. He was out of danger. On completing investigation charge sheet is filed. It is submitted that the applicant has some antecedents, however, the Court may impose some stringent conditions as preventive measure.

4. Learned APP submitted that specific overt act has been attributed to the applicant. He is alleged to have assaulted the complainant with sword. He also assaulted the complainant by fist blows. The co-accused had also participated in the crime. The applicant was externed from locality and after completion of externment period the applicant is involved in present crime. The applicant and the co-accused were present near the scene of offence prior to the incident. Several cases are registered against the applicant which are pending in appropriate Court. Learned APP tendered report submitted by Police with regards to antecedents. The cases were registered with the same police station in 2005, 2008, 2010, 2013, 2015, 2016 and 2017. Out of these about two cases were registered under Maharashtra Prohibition Act. The other cases related to offences u/s.323, 324 and one case is registered u/s 307 of IPC.

5. I have perused the charge sheet and the documents tendered by learned counsel for applicant. The incident had occurred on 1st November 2018. The applicant was arrested on the same day. Investigation is completed and charge sheet is filed. The cross case is registered at the instance of Jai @ Ketya Anand Bhise on the same day. In the cross case it is alleged that the opponents which included the complainant in the present case and his associates, were involved in assaulting the complainant Jai @ Ketya Anand Bhise and wife of applicant. It is also stated that the applicant had managed to save the complainant Jai @ Ketya Anand Bhise from assault from the opponents and thereafter the applicant had left the place. It is also stated that the wife of applicant was assaulted by opponents and they also caused damage to property in the house. It is also pointed out that all the accused arrested in the cross case were granted bail.

6. I have perused the medical certificate in respect to injuries sustained by the complainant in present case. He has suffered abrasions on forearm and neck. He also suffered blunt trauma over chest and left elbow. The cause of injury is by hard and blunt object. The applicant is in custody for almost one year. On stringent conditions bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1217 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.668 of 2018 registered with Bhosari Police Station, Pune, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant shall furnish details of his residence where he propose to reside after release on bail, to the Investigating Officer;
- (iv) The applicant shall not enter the jurisdiction of Bhosari Police Station, Pune till conclusion of trial;
- (v) The applicant shall attend nearest Police Station where he would reside, once in a month on every first Saturday between 10 am and 1 pm till further orders;
- (vi) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST