

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2061 OF 2019

Hidayat Sharif Shaikh

....Applicant

V/s

The State of Maharashtra

...Respondent

....

Mr. Hassnain Kazi a/w Shraddha Vavhal a/w Raed Kazi, Advocate
for the Applicant.

Smt. A.A. Talekar, APP for State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th November 2019

PC :

1. This is an application for bail under Section 439 of Criminal Procedure Code, 1973 in connection with C.R. No. 191 of 2017 registered with Samarth Police Station, Pune for offence punishable under Sections 307, 141, 143, 148, 149 & 504 r/w Section 34 of the Indian Penal Code.

2. The case of the prosecution is that, on account of previous enmity the complainant and his friends were assaulted by the applicant and others. The applicant had allegedly assaulted by sword and the co-accused Tahir @ Lala Sharif Shaikh had assaulted by chopper. It is also alleged that co-accused Sohail Shaikh had also participated in the assault by using a sword.

3. Co-accused Afrin Sharif Shaikh and Mumtaz Sharif Shaikh were granted bail by this Court vide order dated 13/08/2018. Co-Accused Sohail Shaikh is also granted bail by this Court vide order dated 24/01/2019 whereas the accused Tahir Shaikh has been granted bail by the Sessions Court vide order dated 15/06/2019.

4. On perusal of the FIR, it is apparent that the role attributed to the applicant and co-accused Tahir Shaikh is similar.

5. Ld. APP submitted that there are eye witnesses to the incident. The complainant and the other witnesses have attributed specific overt act to the applicant.

6. Ld. Counsel for the applicant further submitted that although charge has been framed before six months, there is no progress in the trial as no witness has been examined. It is pertinent to note that applicant is in custody for a period of about two years. Ld. Counsel for the applicant submitted that there are no antecedents against the applicant. All other accused are granted bail. Taking into consideration the aforesaid circumstances bail can be granted to the applicant. Hence, the order.

:: ORDER ::

- (i) Bail Application No.2061 of 2019, is allowed;

- (ii) The applicant is directed to be released on bail in connection with C.R. No. 191 of 2017 registered with Samarth 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 report to Samarth Police Station once in a month on first Saturday of the month between 10:00 a.m. to 2:00 p.m. till further order;
- (iv) The Applicant shall not tamper with the evidence;
- (v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)