

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

BAIL APPLICATION NO.2207 OF 2019

Bunty alias Akeel Peermohammad Shaik Applicant

versus

The State of Maharashtra Respondent

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- Mr. Sanjeev Kumar Bapu Deore, Advocates for Applicant.
- Mr. S. H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd AUGUST, 2019

P.C. :

1. The applicant is seeking his release on bail in connection with C.R. No.I-346/2018 registered with Indira Nagar Police Station, District Nashik under Sections 307, 452, 143, 147, 148, 323, 504, 506(ii) r/w. 149 and 34 of IPC and Section 135 of the Mumbai Police Act.

2. The FIR is lodged on 10/12/2018 by one Shafi Ullah Ataullah Shaikh. He has stated that on 9/12/2018, at about 7.30

p.m., he was in his house. At that time accused Javed Shah, Goldie, Shaukat Shah, Asif Medicalwala and present applicant entered his house and because of previous enmity started assaulting him with iron rod. Accused Goldie gave blow on his head. One accused pressed his throat. It is alleged that others assaulted him on his stomach and back with iron rods. The sons of the informant had suffered some injuries. On this basis, the FIR is lodged.

3. Heard Mr. Sanjeev Deore, Ld. Counsel for the Applicant and Mr. S. H. Yadav, Ld. APP for the State.

4. Mr. Deore submitted that the applicant was arrested on 23/3/2019 and since then, he is in custody. The chargesheet is already filed. Further custody of the applicant is not necessary. No serious injury is caused to the informant.

5. Ld. APP opposed to grant bail to the applicant as the offence is serious.

6. I have perused the chargesheet annexed to the application. There is one statement under Section 164 of Cr.P.C. given by the present informant. In that case he has made his allegations and he has further stated that the present applicant and Shaukat had assaulted him on his back with iron rods. I have perused the injury certificate which shows that there are two abrasions. One of them was on head and there are three injuries in the nature of blunt injury to the informant which are described as serious in nature.

7. In any case, the applicant is alleged to have assaulted on the back of the informant. Hence, intention to commit his murder cannot be attributed to the present applicant. The applicant is in custody since 23/3/2019. The investigation is over and chargesheet is filed. No further purpose will be served by keeping him in custody during the entire duration of trial. Therefore, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

(i) The applicant is directed to be released on bail in connection with C.R. No.I-346/2018 registered with Indira Nagar Police Station, District Nashik, on his executing P.R. Bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The application is disposed of.

(SARANG V. KOTWAL, J.)