

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2606 OF 2019**

Shamsali Samirali Sayed	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Anjali Awasthi for the Applicant

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

PSI Mr. Amol Talekar from Nagpada Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 1st OCTOBER 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. 268 of 2019 registered with the Nagpada Police Station, Mumbai, for the alleged offences punishable under Sections 353, 186, 189, 332, 34 of the Indian Penal Code.

3 Perused the papers. According to the complainant-PC Pankaj, PSI Mr. Talekar was on police duty on 20th August 2019 at Nagpada Police Station and was making inquiries with respect to the quarrel that had taken place between the applicant's mother-Yasmeen and the applicant's

relatives. It is alleged by the complainant that the applicant barged in the police station and abused Shahzeb Firoz Khan and his wife and questioned them as to why they have abused his mother-Yasmeen. According to the complainant, when PSI Talekar tried to stop the applicant, the applicant assaulted him on his chest and abused him.

4 Learned counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record and marked 'X' for identification. In the said affidavit, the applicant has undertaken not to commit similar offence as recorded in the FIR or in any other manner. She submits that although the applicant has antecedents, the applicant will live in more responsible manner and will not commit any offence. The applicant is in custody since 20th August 2019.

5 Considering the aforesaid and in particular, the affidavit tendered by the applicant, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 25,000/-, for a period of six weeks;

(ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend the concerned Police Station on every Saturday from 10:00 a.m. to 11:00 a.m, till the filing of charge-sheet and thereafter, on the first Saturday of every month from 10:00 a.m to 11:00 a.m, till the conclusion of the trial;

(iv) The applicant shall not commit similar offence;

(v) The applicant shall inform his latest place of residence and mobile contact number immediately after being released 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;

(vi) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

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

(ix) 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.

6 The application is accordingly disposed of.

7 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.

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

Bereavement

REVATI MOHITE DERE, J.