

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2601 OF 2018

1. Umar Nibbar Shaha, Age 50 years,
Occ.Business,

2. Chand Umar Shaha, Age 20 years,

3. Shehnaz Banu Umar shaha, Age 20 years,
Occ.Student, all r/o.Near Ahamadi Masjid,
Navjeevan Society, Hill No.2,
Narayan Nagar, Ghatkopar (W), Mumbai-400086

Applicants

versus

The State of Maharashtra

Respondent

Ms.Anjali Patil for applicants.

Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th January 2019

PC :

1. This is an application for bail in CR No.319 of 2018 registered with Ghatkopar Police Station for offences under Sections 307, 504, 506(2) and 34 of Indian Penal Code, and under Sections 37 and 135 of Bombay Police Act. The FIR was lodged on 5th June 2018. It is alleged that the injured Moinuddin Khan was assaulted by the accused on 5th June 2018. The co-accused Taj Shah had assaulted the injured by knife. The others (applicant) were shown to be present at the scene of offence and had facilitated the assault.

2. The injury report shows the history provided by the brother of the applicant and applicant wherein it is mentioned that the injured

was assaulted by one known and others unknown persons on 4th June 2018.

3. Learned counsel for applicant submits that there is dispute between both the parties and prior to the incident a non-cognizable complaint was lodged by the applicant no.1 against the injured on 3rd June 2018.

4. Learned APP submitted that specific overt act has been attributed to the applicant. Apart from the injured/complainant, there is another eye witness Kum.Kanchan Gupta whose statement was recorded on 5th June 2018, who has stated that the applicants had assaulted the injured by fist and kick blows. The FIR, however, indicate that primary role of assaulting by weapon is attributed to another person. The applicants are in custody from 5th June 2018. The investigation is complete and charge sheet is filed.

5. Learned counsel for applicants states that the applicants are willing to stay out of the jurisdiction of Ghatkopar Police Station. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.2601 of 2018 is allowed and disposed off;

(ii) The applicants are directed to be released on bail in connection with CR No.319 of 2018 registered with Ghatkopar Police Station, on furnishing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;

- (iii) The applicants shall stay out of jurisdiction of Ghatkopar Police Station till conclusion of trial;
- (iv) The applicant shall provide their address of residence after their release on bail to the investigating officer;
- (v) The applicants shall not tamper with the evidence and shall attend the Trial Court proceedings regularly, unless exempted by the Trial Court for some reason;
- (vi) The applicants are permitted to furnish cash security in the sum of Rs.15,000/- each for a period of six weeks.

(PRAKASH D. NAIK, J.)

MST