

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

**CRIMINAL BAIL APPLICATION NO. 1663 OF 2019**

Jafar Musa Sayyad

...Applicant

V/s

The State of Maharashtra

...Respondent

.....

Mr. Chetan S. Damre, Advocate for the Applicant.

Smt. Veera Shinde, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 17<sup>th</sup> February, 2020**

**PC :**

1. This is an application for bail under Section 439 of Cr.P.C. in connection with C.R. No. I-172 of 2018 registered with Manmad City Police Station, Taluka Nandgaon, Dist. Nashik, for offences punishable under Sections 302, 120(B), 307, 324, 323, 452, 143, 147, 148, 149, 504, 506 & 427 r/w Section 34 of Indian Penal Code. The applicant was arrested on 25<sup>th</sup> September, 2018.

2. The prosecution case is that the deceased Sameer @ Papa Noor Shaikh was a Tea vendor at Manmad Railway Station. There was enmity between the nephew of the deceased and Ilias Sayyed, Irfan Sayyed, Imran Sayyed, and Ismail Sayyed over Tea vending business at Manmad Railway Station. On 20<sup>th</sup> September, 2018 at about 11.35

p.m. altercation took place between the parties. On 25<sup>th</sup> September, 2018 at about 10.00 p.m., Irfan, Imran, Wasim Bambaiwala, Jamir Sayyed entered into the house of the complainant and abused her. They dragged her husband out of the house. Irfan Sayyed, Imran Sayyed, Wasim Bambaiwala, Raju Sayyed, Ajju Sayyed, Samir Sayyed, Jamir Sayyed, Khalil Sayyed, Amajad Khan Karim Khan, Iqbal Tirewala, Jafer Sayyed, Salim Sayyad, Imran Khan Karim Khan, Soyeb Habib Shaikh, Bhaiya Salim Sayyed, Nadim Seth & 15 to 20 other persons who were armed with sticks, wooden logs, swords, chopper, iron pipe, and rod. All of them assaulted the complainants husband by weapons on his head and legs. Complainants nephew Arbaj Shaikh intervened, however he was assaulted by wooden logs and iron rod. The accused also caused damage to the property. They assaulted the people from the area caused damage to the vehicles. They created terror in the area. Thereafter they ran away from the place of incident. Hence, the FIR was lodged on 26<sup>th</sup> September, 2018.

3. The applicant was arrested and investigation proceeded. On completing investigation charge-sheet is filed.

4. Learned advocate for the applicant submitted that there is no evidence against the applicant. The applicant has been falsely

implicated in this case. On account of enmity he has been named by the first informant. There is no recovery from the applicant. The eye witnesses to the incident has not attributed any role to him. His cloths are recovered but there are no blood stains.

5. Learned APP submitted that the applicant has been named in the FIR. He was armed with weapon. The statement of the complainant cannot be brushed aside at this stage. The applicant has been named by witnesses. The weapons were recovered from the vehicle which was used by the accused. There are two antecedents against applicant.

6. I have perused the FIR and charge-sheet. The first informant has referred to name of the applicant as assailants. According to complainant the accused were armed with deadly weapons like sword, chopper, iron pipe. She has named about 16 persons and stated that they had assaulted her husband by weapons and also caused damage to the property. Thus overt act has been attributed to the applicant. The case of the applicant can be distinguished from the other accused who were granted bail. The version of the complainant cannot be burst aside at this stage. The applicant has been named by eie witness Javed Shaikh, Shaikh Jamir, Abdul Wahid, Irfan Momin and Arbaj Shaikh as assailant. The allegations

are of serious nature. Considering the facts of this case, no case for grant of bail is made out.

7. Hence, I pass the following order :

**ORDER**

Bail Application No. 1663 of 2019 stands rejected  
and disposed of accordingly.

(PRAKASH D. NAIK, J.)