

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

BAIL APPLICATION NO.3041 OF 2019

Sirazuddin Abdul Gafar Shaikh ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Sandeep Mishra for the Applicant.
Mr. Ajay Patil , APP for the Respondent-State.
PSI N.B.Jadhav attached to Gamdevi Police Station
present.

CORAM : SANDEEP K. SHINDE J.
DATE : 20th FEBRUARY, 2020

P.C. :

Heard.

2 Applicant is seeking his enlargement on bail in Crime No.112 of 2018 registered at Gamdevi Police Station for the offences punishable under Sections 304, 367, 353, 333, 336, 338 and 279 of the Indian Penal Code, 1860 ('**IPC**' for short). In the subject crime, applicant has been in custody since 17th May, 2018. Investigation is over and the final report has been filed.

3 Applicant is 24 years old, who allegedly obstructed the complainant from discharging his official duties. It is alleged that when the motor-cycle of the applicant was intercepted, officer on duty demanded the licence and other documents from him. Since he denied to co-operate, he was asked to report to the nearby police station and to further ensure that the applicant would report, the police constable accompanied him on the motor-cycle as pillion rider. Prosecution has alleged that applicant intentionally and knowingly rode the motor-cycle in an unsafe and dangerous manner and resultantly, met with an accident wherein the police constable had sustained serious injuries. It is debatable whether the accusation would fall under Section 304 of the IPC. Be that as it may, this question ought to be dealt with by the Trial Court at the appropriate time. However, barring Sections 304 and 367 of the IPC, other offences are

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punishable with imprisonment only upto seven years.

Since the investigation is over and trial may not commence or conclude in near future but applicant's presence for the trial can be secured by imposing suitable conditions. That, even otherwise, allegations against the applicant, prima-facie, does not suggest that he had ridden the motor-cycle intentionally or knowingly to cause the alleged accident.

4 In view of the facts of the case, Application is allowed. Hence, the following order:

ORDER

(i) The applicant be enlarged on bail in Crime No.112 of 2018 registered with Gamdevi police station, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the concerned Police Station on the second Monday of every month commencing from March, 2020 between 11:00 a.m. to 1:00 noon till the conclusion of trial;

(iii) The applicant shall inform his latest place of residence and contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer of the concerned Police Station;

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

5 The application is accordingly allowed and disposed off.

6 It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)