

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.903 OF 2021**

Shakir Shakil Shaikh .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Viral Rathod i/b A.A. Sothe for the Applicant.

Mr. Swapnil S. Pednekar, A.P.P. for the State.

Mr. Deokar, Police Inspector attached to the Versova Police Station is present in the court.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 14TH SEPTEMBER, 2021.

P.C:-

1. The Applicant is charge-sheeted for offences punishable under Sections 307, 394 read with Section 34 of the IPC and the record reveal that the case is committed to the Sessions Court at Dindoshi for trial.

2. C.R. No.191 of 2019 was registered with Versova Police

AJN

Station on 26/03/2019 at the instance of the Complainant, an auto-rickshaw driver. He narrated in his complaint that on 26/03/2019, while he was plying passengers in his auto-rickshaw towards Versova, two passengers, who had boarded auto-rickshaw asked him to stop the vehicle. One of the accused is alleged to have removed a knife and demanded money and his mobile phone. The Complainant allege that one accused person held him whereas, the other accused person stabbed him in his abdomen, which resulted in an injury. The by-passers gathered at the spot, but since the accused brandished a knife at them, nobody came to his rescue. However, he was taken to the hospital and offered treatment.

3. The injury certificate from the R.M. Cooper Municipal Hospital, Juhu, is compiled in the charge-sheet. The said certificate refer to one stab injury, which is described as grievous whereas, two incised wounds and one abrasion are classified as simple injuries. The injuries are opined to have caused with sharp object.

4. When the charge-sheet is perused, the Applicant is attributed the role of stabbing the Complainant whereas, the co-accused is identified as person, who caught hold of him while the present Applicant stabbed the Complainant. The Complainant had described the two persons as unknown persons and though the investigation progressed, the prosecution has not

bothered to establish their identity and even though the charge-sheet is filed, the present Applicant has not been subjected to Test Identification Parade.

5. This is the very precise ground on which the co-accused has been released on bail by this court by order dated 17/08/2021 (Bail Application No.3187 of 2019). Though a specific role is attributed to the Applicant in the charge-sheet as the assailant, no other material is compiled in the charge-sheet to indicate as to what is the basis for assigning him this particular role. In the wake of the aforesaid circumstances compiled in the charge-sheet, the Applicant deserves to be released on bail. Hence, the following order:

: ORDER :

- (a) The Applicant – **Shakir Shakil Shaikh** shall be released on bail in C.R. No.191 of 2019 registered with Versova Police Station, District Mumbai on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any

person acquainted with facts of case and shall not tamper with prosecution evidence.

- (c) The Applicant shall report to the Versova Police Station on the first Monday of every month between 10.00 a.m. to 2.00 p.m. till filing of the charge and thereafter as per the directions of the Trial Court.

6. The Application is allowed in the aforestated terms.

7. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]