

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

CRIMINAL BAIL APPLICATION NO. 1575 OF 2021

Shakir Ali Jahid Ali Pathan

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Aniket U. Nikam for Applicant.

Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 30th APRIL, 2021

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 511 of 2020 registered at Narpoli police station, Tal. Bhiwandi, Dist. Thane, under sections 307 and 326-A r/w. 34 of the Indian Penal Code (for short 'IPC'). The applicant was arrested on 01/11/2020 and since then he is in custody. The investigation is over and the charge-sheet is already filed on 31/12/2020.

2. Heard Shri. Aniket Nikam, learned counsel for the

applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Rohit Pandey on 09/10/2020. He has stated that, on 08/10/2020, at about 9:00p.m. one Abdul Khan and Salim Khan had assaulted one Nikhil Salunkhe. The first informant and his friends Suraj Patel, Abhishek Sharma, Nilesh Harijan and Abhishek Deshmukh intervened. Accused Abdul did not like this. He threatened all of them.

4. On 09/10/2020, at about 8:30p.m. the informant and his aforementioned friends approached Abdul and questioned him about earlier day's quarrel. It is further alleged in the F.I.R. that, Abdul brought a bucket filled with acid and poured it on the informant and his friends. All of them suffered injuries. Abhishek Deshmukh's wife Gayatri tried to pacify both sides. It is alleged that, one Salim assaulted Gayatri on her hand with an iron rod. After that all the injured were taken to hospital.

5. The applicant was arrested and his role was described by Gayatri Deshmukh in her statement.

6. Learned counsel for the applicant submitted that,

Gayatri had suffered minor injuries. The applicant had nothing to do with the earlier part of the incident when acid was poured on the informant and his friends. The applicant was already in custody for his minor role since 01/11/2020. He, therefore, deserves to be released on bail.

7. Learned APP opposed this application and relied on the injury certificate of Gayatri and others. It was submitted that the applicant was also in collusion with other accused who had committed this offence.

8. I have considered these submissions and with the assistance of both learned counsel, I have perused the charge-sheet.

9. The statement of Gayatri Deshmukh is specific. She has described about the first part of the incident when acid was thrown on the first informant and others. This witness went to the spot to help her husband Abhishek Deshmukh. She was taking him for treatment. She had reached a temple, at that time, one fat person and one slim and fair person were standing there. According to the prosecution case, that slim person was the

present applicant. Both of them abused Gayatri and her husband. She replied back. At that time, quarrel took place and both these persons started giving blows with wooden stick on Abhishek. While Gayatri tried to intervene, she also received two strokes on her hand and leg.

10. In the backdrop of this statement, the medical certificate of the injured Gayatri shows that, she had suffered swelling and abrasion on her left wrist of dimension 4cm x 5cm and abrasion of dimension 2cm x 5cm. Abhishek had suffered only burn marks. There was no sign of assault by stick. The incident had taken place in two parts. The present applicant is alleged to be involved in the later part of the incident when allegedly Gayatri and Abhishek were given blows of sticks. Gayatri's injuries are not life threatening. In this view of the matter, applicant has made out a case for grant of bail.

11. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 511 of 2020 registered at Narpoli police station, Taluka Bhiwandi, Dist. Thane, the applicant is directed

to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) Looking at the prevailing circumstances, it may not be possible for the applicant to furnish sureties immediately. Therefore, initially the applicant is permitted to furnish cash bail for the same amount. The applicant will have to furnish the sureties, as directed, within three months from today.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)