

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

BAIL APPLICATION NO. 960 OF 2020

Tarique Mohammad Taslim Siddiquee .. Applicant

Vs.

The State Of Maharashtra .. Respondent

Mr.Farooq N. Momin, a/w Mr. Gautam Jain, Advocate for
Applicant.

Mr. S. S. Pednekar, A.P.P. for the State-Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 21th JUNE, 2021

PC.

1. The Applicant is arrested on 08.05.2020 in C.R. No.I-251 of 2020 registered with Narpoli Police Station, District Thane, for the offence punishable under Sections 307, 504 read with 34 of the Indian Penal Code (for short "IPC") and Sections 3, 25 and 27 of the Arms Act.

2. The prosecution case is that the complainant is resident of Adivasi Pada, Bhiwandi. He was acquainted with applicant. On 08.05.2020 the applicant and Afsar Khan demanded money from complainant. The complainant refused. The accused abused the complainant. The applicant took out the firearm and

pointed it at the complainant. The applicant is fired bullet from his firearm, which resulted in injuries to the wrist and forearm of the complainant. The accused fled away from the spot. The complainant was removed to hospital for treatment. First Information Report (for short "FIR") was registered. Spot panchnama was drawn. Empty cartridge was seized from the spot. Applicant and the co-accused were arrested. Pistol was seized at the instance of the applicant. Charge-sheet was filed.

3. The applicant preferred application for bail before the Sessions Court. The application was rejected by order dated 24.09.2020.

4. Learned counsel for the applicant has submitted that there was not motive for the applicant to kill the victim. The applicant has no criminal antecedents. Offence under Section 307 of the IPC is not made out. The complainant came out of the house of his own. The accused had no knowledge that the complainant would come and sit on the spot. The accused met the complainant while they were passing from the said road. The incident had occurred on the spur of moment. The applicant is

in custody for more than one year. Investigation is completed. The injuries were not serious. The injuries were not vital part of body.

5. Learned APP submitted that the specific role is attributed to the applicant. He was armed with weapon. He shot at the complainant.

6. The applicant is in custody from 08.05.2020. There are no criminal antecedents to his discredit. The victim had sustained injuries to his wrist and forearm. The injury certificate indicates sutured wounds. There is nothing on record to indicate that there was any enmity or motive to commit crime. Further custody of the applicant is not necessary. Hence, case for grant of bail is made out.

ORDER

- (i) Criminal Bail Application No.960 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-251 of 2020 registered with Narpoli Police Station, Dist. Thane, on executing P.R. Bond in the sum of Rs. 25,000/- with one or more local sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once

in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;

- (iv) The applicant shall not tamper with evidence. He shall not approach the complainant.
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)