

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1178 OF 2020

Imtiyaz Abdul Rauf Shaikh

Applicant

versus

The State of Maharashtra

Respondent

Ms.Sana Shaikh for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th January 2021

PC :

1. This is an application for bail in CR No.165 of 2020 registered with Deonar Police Station for offences punishable under Sections 302, 143, 144, 146, 147, 148, 149, 188, 269, 504 of Indian Penal Code along with Sections 51(B) of National Disaster Management Act, 2005 along with Section 2,3 and 4 of Covid-19 Act, 2020 and Pandemic Act, 1897 along with Sections 4 and 25 of Indian Arms Act and under Sections Sections 37(1) and 135 of Mumbai Police Act. The applicant was arrested on 3rd June 2020. The FIR was lodged by mother of deceased on 4th June 2020.

2. The prosecution case is that on 3rd June 2020 the victim was assaulted by sons of applicant. It is alleged that the applicant was apprehending that some persons were brought to assault him by the deceased. Imtiyaz, accused and the complainant are related. They are residing in the same vicinity. It is alleged that applicant had instigated his sons to assault the victim. One of them gave single blow on the back of the deceased. The injured was taken to hospital. The victim died on the same day.

3. The role ascribed to the applicant is that allegedly he had instigated his sons. There are no criminal antecedents against applicant. The incident had occurred all of a sudden. It was not a pre-planned attack. It appears that one of the son of applicant had allegedly removed weapon and gave single blow. It would be arguable and debatable whether offence would be u/s 302 of the IPC.

4. Learned counsel for applicant submitted that the applicant has been falsely implicated in this case. Medical evidence is contradictory to the version of complainant. There was no intention to commit murder. The role assigned to the applicant is of instigation. Whereas, learned APP submits that there are statements on record to show that applicant had instigated his sons to liquidate the deceased.

5. Considering the facts narrated above and for the reasons stated above, case for grant of bail is made out on certain conditions. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1178 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.165 of 2020 registered with Deonar Police Station, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (iii) The applicant shall stay out of jurisdiction of Deonar Police Station till conclusion of trial;
- (iv) The applicant shall provide his residential address where he propose to reside after he is released on bail to the Investigating Officer;
- (v) The applicant shall attend Trial Court on every date of hearing unless exempted by the Trial Court.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST