

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

CRIMINAL BAIL APPLICATION NO. 1342 OF 2020

Dawood Mohammed Sayyed ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Rahul Arote, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 1st MARCH, 2021.

PC :

1. This is an application for bail in connection with C.R. No. I-109 of 2019, registered with Turbhe Police Station for the offences punishable under Section 307, 323, 504, 506 r/w. 34 of Indian Penal Code, 1860 (“IPC” for short). The First Information Report (“FIR”) was lodged on 23rd May, 2019. The applicant was arrested on 24th May, 2019.

2. The case of the prosecution is that the complainant is Rikshaw drive. He plies his auto rikshaw within the vicinity of Turbhe Police Station. On 27th May, 2019 while the complainant was plying his auto-rikshaw, Gautam came and informed him that cellphone belonging to his brother had been sold to him by Rs. 2,500/- by the applicant. The complainant was waiting for passenger near Turbhe

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Aher**

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Railway Station. The applicant questioned him in respect to mobile phone. There were verbal altercation between them. The other rikshaw drivers were also present. The applicant came with his cousin and friend and the complainant was questioned about the cellphone. The applicant took out the knife from his pocket and assaulted the complainant on the left side of his stomach. He sustained injury. The applicant was arrested. On completing investigation, charge-sheet was filed.

3. I have perused injury certificate. The complainant had sustained stab injury on his abdomen which is 3 c.m. deep with sharp and the nature of injury is simple. Learned counsel for the applicant submitted that the applicant is in custody from the date of arrest. Trial has not commenced. The applicant has one criminal antecedent. The said case was registered in 2015. Learned APP submitted that the the applicant was armed with sharp weapon. The knife is recovered from hi. There are eye-witnesses to the incident. Considering the nature of injury sustained by the complainant and the fact that the applicant is in custody for a period of about 1 year 9 months, bail can be granted to the applicant.

4. Hence, I pass the following order.

ORDER

- (i) Criminal Bail Application No. 1342 of 2020, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-109 of 2019, registered with Turbhe Police Station on furnishing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one or more sureties in the like amount;
- (iii) The applicant shall report concerned police station once in three months on first Saturday of the month between 11.00 a.m. to 1.00 a.m.;
- (iv) The application stands disposed of.

(PRAKASH D. NAIK, J.)