

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

**CRIMINAL BAIL APPLICATION NO. 1337 OF 2020**

1. Salman Miya Mehboobmiya Sayyed

2. Abdul Mustafa Sayyed ... Applicants

Versus

The State of Maharashtra ... Respondent

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Ms. Shehnaz Shaikh i/b. Ms. Shabnam Shaikh, for the Applicants.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

Mr. Vijay Kadam, P.S.I., Kurar Police Station, Mumbai, present.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 09<sup>th</sup> MARCH, 2021**

**PC :**

. This is an application for bail in connection with C.R.No.695/2020 registered with Kurar Police Station, Mumbai for the offences under Sections 307, 324, 504, 506 (2) read with 34 of Indian Penal Code.

2. The F.I.R. was lodged on 17<sup>th</sup> August 2020 by Mohammad Hanif Jagrawala. It is alleged that on account of previous enmity, the complaint was lodged against them. The accused had assaulted the complainant. The applicants allegedly assaulted the complainant with iron tommy and the third accused assaulted the complainant by

**RajeP.  
Aher**

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knife. The applicants were arrested on 19<sup>th</sup> August 2020. On completing investigation, the chargesheet is filed.

3. In the First Information Report, the complainant has referred to three persons as assailants. The applicants are not named in the F.I.R. Supplementary statement of the complainant was recorded after two days in which, he stated that, he knows accused/applicants and named them as the persons who assaulted him with tommy.

4. Learned APP submitted that, the presence of the applicants is also established by the CCTV footage. The complainant was injured which is borne out by the injury certificate issued by the Municipal Hospital as well as private hospital. The certificate issued by private hospital indicate that the complainant had sustained injury on tempo occipital region and CLWs on both scapular region.

5. It is pertinent to note that the injury certificate by Municipal hospital refers to two injuries on the person of the victim which are simple in nature. The role attributed to the applicants is that they assaulted complainant with tommy. There are no criminal antecedents against the applicants. They are in custody for substantial period of time. Investigation is complete and the chargesheet is filed. Hence, further detention of the applicants is not

necessary. They can be released on bail on certain conditions.

6. Hence, the following order.

**ORDER**

- (i) Bail Application No.1337 of 2020 is allowed;
- (ii) The applicants are directed to be released on bail in connection with C.R.No.695/2020 registered with Kurar Police Station, Mumbai, on executing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report concerned police station once in a month on every first Saturday between 11.00 a.m. to 01.00 p.m.;
- (iv) The Applicants shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicants shall not intimidate complainant in any manner.
- (vi) The Applicants are permitted to furnish provisional Cash Bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- (vii) Bail Application stands disposed of accordingly.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

**(PRAKASH D. NAIK, J.)**