

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2898 of 2021

Taufik @ Ismail Hussain Shaikh .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. R.V. Gupta for the applicant.
Mr. S.S. Pednekar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 6th SEPTEMBER 2021

P.C:-

1 The applicant is a young boy, aged 19 years, a student who is accused of an offence to commit murder of one Mainuddin Sayyed, aged 16 years. On the complaint lodged by Mainuddin on 16th April 2021 with D.N. Nagar police station, C.R.NO.172 of 2021 is registered, which invoke Section 141, 143, 149, 307, 323/324, 504, 506II of the IPC and Section 34(1), 135 of the Maharashtra Police Act and Section 4(25) of the Indian Arms Act.

2 The complainant allege that when he along with his friends had planned a birthday celebration of his brother and they had gathered at a particular spot at 9.45 p.m, the applicant along with his other accomplice arrived at the spot and to revenge some earlier quarrel, assaulted the complainant and his friends. The

applicant is specifically attributed a role of assaulting him by means of a sword with an intention to kill, resulting into an injury in his head. Another accused is alleged to have assaulted him by a knife in his hand.

Prima facie, the applicant is the author of two injuries i.e. Injury No.2 and 3, whereas Wasim has caused the third injury, in form of CLW on the elbow.

3 The sword is recovered at the instance of the applicant and when particularly asked, the learned APP state that the applicant do not have any criminal antecedents. His role in the entire incident has clearly surfaced on record through the complainant and the weapon is also recovered. The applicant has been arrested on 16th April 2021 and since then, he is incarcerated. Considering his young age and a clean background, in my considered opinion, he deserve his release on bail, subject to the stipulation that he will continue to render his co-operation in the investigation. Hence, the following order :-

ORDER

(a) The Applicant – Taufik @ Hussain Shaikh in connection with C.R.No.172 of 2021 registered with D.N. Nagar Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall mark his attendance to the concerned Police Station on First Monday of every month between 10.00 am to 2.00 p.m make himself available as and when required by the Investigating Officer.
- (d) The applicant shall tender his mobile number and present residential address to the Investigating Officer, and inform of change, if any.

The Application is allowed in the aforesaid terms.

SMT. BHARATI DANGRE, J