

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

CRIMINAL BAIL APPLICATION NO. 1527 OF 2020

Mohd Asif Ashraf Shaikh ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Farhana Shah, Advocate for the Applicant.
Mr. Shabbir A. Shora, Advocate for the Injured.
Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th MARCH, 2021

PER COURT:

1. The applicant was arrested on 23rd October, 2019 in connection with C.R. No. 186 of 2019 registered with J. J. Marg Police Station, Mumbai for offence under Sections 307 of Indian Penal Code. The FIR was lodged on 23rd October, 2019.

2. The case of the prosecution is that the complainant and his friends including injured were standing at the place of incident. On account of previous quarrel the accused assaulted Imran by giving knife blows. He had sustained grievous as well simple injuries.

3. Learned counsel for the applicant submitted that in fact the applicant and the injured are friends. On account of misunderstanding the incident had occurred at the spur of moment

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and the injured was assaulted. They continued to be good friends. The injured is present in the Court. He is represented by the advocate. Learned Advocate representing injured submitted that he has no objection for granting bail to the applicant. Learned counsel Mr. Shabbir A. Shora for injured undertake to file his Vakalatnama. The injured may be impleaded as respondent in this application. Leave to amend. Amendment to be carried out forthwith.

4. Learned APP submitted that the injured had sustained injuries. The applicant was armed with knife and assaulted him.

5. There are no criminal antecedents against the applicant. The applicant is in custody from 23rd October, 2019. Considering the aforesaid circumstance, bail can be granted to the applicant.

ORDER

- (i) Criminal Bail Application No. 1527 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 186 of 2019 registered with J. J. Marg Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- with one or more 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 indulge in similar offence in future.

(v) The applicant shall not tamper with the evidence.

(vi) The applicant shall not cause harm, intimidate complainant/injured or any other witnesses.

(vii) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

(viii) In the event of breach of conditions of bail, complainant/prosecution/injured will be at liberty to prefer application for cancellation of bail.

(ix) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)