

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

BAIL APPLICATION NO.1535 OF 2020

Shahid Akhtar Shamsuddin Ansari	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Shantanu R. Phanse, Advocate for the Applicant.

Mrs.M.R. Tidke, APP for the Respondent – State.

PSI Yogesh V. Dabhade, Bhiwandi City Police Station, District – Thane, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 18, 2021.

P.C. :

The applicant is arrested on 30th October, 2019, in connection with C.R.No.454 of 2019, registered with Bhiwandi City Police Station, District-Thane, for the offences punishable under Sections 307 and 397 read with 34 of Indian Penal Code (“IPC”, for short).

2 First Information Report (“FIR”, for short) was lodged by brother of the injured on 31st August, 2019.

3 The case of the complainant is that on 30th August, 2019, his brother Shahbaz had gone out. At about 03:12 hours, the complainant received a call from their friend Tabrej, who informed that the injured had sustained injury. The complainant then reached the spot. Tabrej was present at the place of incident. The injured sustained injuries on his person. He was assaulted by sharp weapon. Police conducted inquiry, the injured had informed that Atique and his friend assaulted him by knife on account of quarrel between them while playing Carom. Injured was taken to hospital. Statement of Tabrej was recorded. Undisputedly, he was not the eye witness to the incident. The statement of injured person was recorded on 11th September, 2019. He has stated that the applicant pulled him on the ground and after that Atique assaulted him by knife and abused him. The injured had sustained seven injuries, out of them three injuries were grievous in nature and others were simple.

4 Learned APP submits that the injured was admitted in ICU for a period of 10 days, and, thereafter, his statement was recorded. He relied upon injury certificate of the injured. Both the applicants were involved in the assault. Learned counsel for the applicant submits that there are no criminal antecedents

against the applicant. The role of assault was attributed to the co-accused. The participation of the applicant was disclosed/discovered for the first time when the statement of injured was recorded, which was after 10 days after the incident.

5 Considering the role attributed to the applicant and the fact that charge-sheet is filed on completing investigation, and the fact that the Applicant-accused is in custody for a period of on and half year, bail can be granted to the applicant.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1535 of 2020, is allowed;
- (ii) Applicant be released on bail in connection C.R.No.454 of 2019, registered with Bhiwandi City Police Station, District-Thane, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall not tamper with the prosecution evidence and shall not approach the injured or any other witness. He shall not intimidate him;

- (iv) Applicant shall report the concerned police station once in a month on first Saturday of the month between 11:00 a.m. to 01:00 p.m, for a period of six months, and, thereafter, once in three month on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further orders;
- (v) Bail Application No.1535 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)