

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

BAIL APPLICATION NO.1603 OF 2020

1) Iftekar @ Sahil Imtiyaz Shaik; and	
2) Ibrahim @ Rahil Imtiyaz Shaikh	.. Applicants
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Ms.Sara Shaikh a/w. Ms.Maya Updeshe, Advocate for the Applicants.

Ms.Anamika Malhotra, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 25, 2021.

P.C. :

This is an application for bail in CR No.165 of 2020 registered with Deonar Police Station, Mumbai, for offences punishable under Sections 302, 143, 144, 146, 147, 148, 149, 188, 269, 504 of Indian Penal Code (“IPC”, for short) along with Sections 51(B) of National Disaster Management Act, 2005, along with Sections 2,3 and 4 of Covid-19 Act, 2020 and Pandemic Act, 1897, along with Sections 4 and 25 of Indian Arms Act and under Sections 37(1) and 135 of Mumbai Police Act. Applicant was arrested on 3rd June 2020. The First Information Report (“FIR”, for short) FIR was lodged by mother of deceased on 4th June 2020.

2 The prosecution case is that on 3rd June 2020 the victim was assaulted by applicant and co-accused. Co-accused Imtiaz was apprehending that some persons were brought to assault him by the deceased. Imtiyaz and complainant are relatives. They are residing in the same vicinity. It is alleged that Imtiaz had instigated his sons to assault the victim. One of them gave single blow on the back of the deceased. The injured was taken to hospital. The victim died on the same day.

3 The role ascribed to the applicant is that he caught hold of the deceased Meghraj who was assaulted by other accused. There are no criminal antecedents against applicant. The incident had occurred all of a sudden. It was not a pre-planned attack. It appears that one of the accused had allegedly removed weapon and gave single blow. It would be arguable and debatable whether offence would be under Section 302 of the IPC.

4 Learned counsel for applicant submitted that the applicant has been falsely implicated in this case. Medical evidence is contradictory to the version of complainant. There was no intention to commit murder.

5 The accused Imtiyaz Abdul Rauf Shaikh has been granted bail by this Court vide order dated 13th January, 2021. The other accused Wasim Imtiyaz Ahmed Shaikh was attributed role of assault has been granted bail by the Sessions Court by order dated 30th January, 2021.

6 Considering the facts narrated above case for grant of bail is made out.

7 Hence, I pass following order :

:: ORDER ::

- (i) Bail Application No.1603 of 2020, is allowed;
- (ii) The applicant is directed to be released on bail in connection with CR No.165 of 2020 registered with Deonar Police Station, Mumbai, on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) Applicant shall stay out of jurisdiction of Deonar Police Station, Mumbai, till conclusion of trial;

- (iv) Applicant shall provide his residential address where he proposes to reside after he is released on bail to the Investigating Officer;
- (v) Applicant shall attend Trial Court on every date of hearing unless exempted by the Trial Court;
- (vi) 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;
- (vii) Bail Application No.1603 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)