

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

CRIMINAL BAIL APPLICATION NO. 1410 OF 2021

Yusuf Hussain Shaikh	...Applicant
Versus	
State Of Maharashtra	...Respondent

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Mr. Paras D. Yadav, Advocate for the Applicant.

Mr. M.G. Patil, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	18th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 21st October, 2019 in connection with C.R. No.863 of 2019 registered with Chaturshringi Police Station on 12th October, 2019 for an offence under Sections 302, 326, 324, 142, 143, 144, 147, 148, 149 of Indian Penal Code.

3. The case of the prosecution evident from the statement of the Shafiq Lala Shaikh is that on 31st March, 2019, the brother of the informant, Rafiq Lala Shaikh was standing in front of footpath near Harsh Society. Yusuf Shaikh and his son Fazlu, Imran and their associates mounted assault on Rafiq Shaikh. He was injured. First Information Report (for short 'FIR') was registered with Chaturshringi Police Station. Fazlu, Imran and others were arrested on 11th October, 2019 at 11:15 p.m. The complainant has visited Harsh building to bring milk. Irfan Yusuf Shaikh, Imran Shaikh and Shubham Pise and Umesh were standing there. The

complainant parked his two wheeler and went towards the shop. The aforesaid persons stared at him and they were questioned by the complainant. At that time Irfan removed iron pipe lying at the spot and assaulted complainant. Shubham took out the sword concealed at that place and gave a blow on the complainant. At the same time Shafiq reached the spot in his auto rickshaw. Imran Yusuf Shaikh, Irfan Yusuf Shaikh, Shubham Bhise and Umesh assaulted him with iron rod and pipe. Rafiq Shaikh was injured. He was taken to hospital. He had suffered serious injuries. FIR was registered.

4. From the tenor of FIR, it is apparent that no role of assault or any overt act is attributed to the applicant except the fact that he was present at the place of incident. The statements of the other witnesses also does not attribute any role to the applicant. On the contrary the applicant had lodged the FIR with the same police station vide C.R. No.864 of 2019 for offences under Sections 307, 326, 324 r/w 34 of Indian Penal Code. In the said FIR it was stated that the applicant was assaulted. The applicant and other persons were assaulted by the opponents.

5. The applicant is in custody for a period about three years. There are no criminal antecedents. The case of grant of bail is made out.

ORDER

- i. Criminal Bail Application No. 1410 of 2021 is allowed;
- ii. The applicant is directed to be released on bail in connection C.R. No.863 of 2019 registered with Chaturshringi Police Station on executing PR. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.
- iv. The applicant shall report concerned Police Station once in three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- v. leave to correct C.R. number in prayer clause is granted.
- v. The application stands disposed off.

(PRAKASH D. NAIK, J.)