

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

ANTICIPATORY BAIL APPLICATION NO.905 OF 2022

Shadab@ Saddu Shakil Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Shine Mohammad with Mr. Mahesh Ahire i/b. M/s. MZM Legal LLP
for the Applicant.

Ms S.S. Kaushik, APP for Respondent -State.

Mr. S.B. Ahire, Bhadrakali Police Station, Nashik, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th AUGUST, 2022.

P.C.:-

1. This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.58 of 2022 registered with Bhadrakali Police Station, District-Nashik, for the offences punishable under Sections 143, 147, 148, 307, 504 and 506 r/w 149 of the IPC and Section 135 of the Bombay Police Act.

2. Heard Mr. Mohammd, learned counsel for the Applicant and Ms S.S. Kaushik, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR

lodged by Samir Shaikh on 06/03/2022. A perusal of the FIR prima facie reveals that the co-accused Samir Badshah had called the Complainant near Nanawali Masjid. The Complainant has alleged that the co-accused Samir Badshah had come to the place of the incident along with several persons including the Applicant herein. He has alleged that the co-accused had removed a knife and threatened to kill him. The Complainant alleges that all the other co-accused including the Applicant picked up the weapons such as iron rod, wooden danda, glass bottle, etc, which were concealed by the side of the road and assaulted the Complainant-Samir Shaikh. The Complainant has alleged that the co-accused Riyaz hit a broken bottle on his head. It is alleged that the Applicant had assaulted on the Complainant by giving a blow of wooden danda on his back. The medical certificate indicates that the Complainant had suffered a CLW over scalp, parieto frontal region. The medical certificate does not indicate that the Complainant had sustained any injuries on his back. Considering the role attributed to the present Applicant, this Court had granted interim bail on 04/04/2022 to the Applicant. Learned APP states that charge sheet as against the co-accused has already been filed and that the investigation as against this Applicant is completed and charge-sheet will be filed in due course.

4. Considering the above facts and circumstances, presence of the Applicant is not required for investigation or custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in connection with Crime No.58 of 2022 registered with Bhadrakali Police Station, District-Nashik, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall report to the Investigating Officer as and when called for.
- (iii) The Applicant shall not interfere with the Complainant and other prosecution witnesses and / or tamper with the evidence in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)