

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1762 OF 2022

Aqeef Ahamed Rajib Shaikh	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.H. Kazi a/w Raheed Kazi and Ketan Kothari for the Applicant.
Mrs.A.A. Takalkar, APP for the State.
API Nitin Suryawanshi, Shantinagar Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 9th NOVEMBER, 2022.

P.C.

1] The Applicant is facing charge under Section 307, 323, 324, 504, 506 read with 34 of the Indian Penal Code in CR No.232/2021 registered with Shantinagar Police Station, Bhiwandi.

2] The alleged incident took place on 18.04.2021 and FIR came to be lodged by one Akash Dandkar one of the injured, aged 21 years on 19.04.2021. In connection with the said CR, the Applicant came to be arrested on 19.04.2021 and since then he is incarcerated.

3] On completion of investigation, charge sheet has been filed against one Faraz and the present Applicant who is charged as accused No.2.

4] With the able assistance of learned counsel for the Applicant and the learned APP, I have perused the charge-sheet placed before me.

The complainant Akash Dandkar narrate the background of an incident which took place four days back, when it is alleged that one ice-cream vendor had entered into their locality and at that time, Faraz objected and when the complainant attempted to justify his activity of hawking, it is alleged that the present Applicant who was present with Faraz, abused him and also threatened him with dire consequences.

5] The incident referred to by him in his complaint, is alleged to have taken place on 18.04.2021 and it is alleged by the informant that he came to know that Aqeef and Faraz are on attacking spree and when he reached the spot, he noticed that Arjun and Amit Pujari were being assaulted by Faraz and present Applicant and they were also abusing them. When he intervened, it is alleged that Aqeef i.e. the present Applicant assaulted him by means of iron pipe, which he was holding and caused injury on his right wrist. The co-accused Faraz is alleged to have pulled out a knife from his waist and assaulted him on his chest causing grievous injury.

The complainant further narrate that his friend Arjun Pujari was also injured by the same knife.

6] The injury certificate of complainant Akash compiled in the charge-sheet refer to stab wound on the left chest wall 3 cm. X 3 cm., 2 cm (depth) with pleural penetration, which is described as a grievous injury. The probable weapon used has been certified as sharp metal object indicating that this injury is attributed to a knife.

As far as other injured is concerned, his injury certificate is also compiled in the charge-sheet, which reflect two simple injuries, one on

left thumb and other on right hand middle finger. There is no fracture sustained by the said injured.

In any case, as far as complainant Akash is concerned, stab wound is not attributed to the present Applicant, but it is attributed to Accused No.1 Faraz.

7] On the investigation being complete and material compiled in the charge-sheet, with no antecedents attributed to the Applicant, I deem it appropriate to release him on bail.

8] The observations made above are prima facie in nature and limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

Hence, the following order :

ORDER

(a) Application is allowed.

(b) Applicant – Aqeef Ahamed Rajib Shaikh shall be released on bail in connection with C.R.No.232 of 2021 registered with Shantinagar Police Station, Bhiwandi, on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall mark his attendance to the concerned Police Station on first Monday of alternative month between 10.00 a.m. to 11.00 a.m.

(d) Upon release, the Applicant shall furnish his residential address and contact number to the Investigating Officer and in case of any change, shall keep him updated.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(f) The Applicant shall regularly attend trial, on every date, unless exempted.

[BHARATI DANGRE, J]