

Sameer @ Zubair Usman Shaikh .. Applicant

Versus

The State of Maharashtra .. Respondent

PSI Shri Ashok Patil from Malvani police station.

CORAM: BHARATI DANGRE, J.
DATED : 14th JULY, 2022

P.C:-

1 The learned APP has placed on record the
panchnama of the CCTV footage as directed by the earlier order.

The panchnama record the happenings where the applicant is seen in the camera standing at the gate and he is speaking in a high pitched voice. Thereafter, some tiff is recorded and some persons are seen intervening. However, the panchnama record that it is not seen as to who is assaulting whom. At 11.37.46 hrs, the footage record that the applicant is having a tiff with the complainant and other people, are seen entering. It

further record that the applicant is armed with a weapon like bamboo and he is assaulting the complainant, but the recording is not very clear. It is further recorded that at 11.38.16 hours, the events are not recorded since they walked out of the frame of the camera and it is not seen as to who has assaulted whom.

2 The applicant face accusation u/s.323, 324, 504, 506 II read with Section 34 of IPC, and it is informed that on a supplementary statement of the complainant, recorded on 2/5/2022, Section 326 has been inserted.

3 The learned APP is asked to produce the injury report reflecting a fracture. She state that the Investigating Officer has not collected any such certificate. In the wake of the accusations faced by the applicant, when the MLC papers of MGM Hospital dated 29/4/2022 which are placed on record by the learned APP are seen, which refer to a CLW 1.5 x 0.2 x 3 c.m on forearm and a crush injury on left middle finger plus a blunt trauma. Apart from this, there is no injury certificate which is placed on record.

4 In the wake of the accusations faced by the applicant and as the incident has been recorded in the CCTV footage, since no evidence is to be collected from the applicant and it is seen that the incident took place on account of the complainant feeding some stray cats and dogs, and therefore, the applicant who is a resident in the Society has objected to making the premises dirty and the incident has happened in the said background.

5 The applicant deserve a protection from arrest subject to the stipulation that he shall report to the police station and render his co-operation. Hence, the following order :-

: **ORDER** :

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.615/2022 registered with Malwani police station, the applicant Sameer @ Zubair Usman Shaikh shall be released on bail 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 report to the concerned police station on 18th and 19th July 2021 and thereafter as and when called for.

(d) 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.

(SMT. BHARATI DANGRE, J.)