

Vidya Amin

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

BAIL APPLICATION NO. 2329 of 2022

Irfan Ali Shamshuddin Shah & Anr. .. Applicants
Vs.
The State of Maharashtra .. Respondent

Ms. Anjali Patil for the applicants.
Smt. Rutuja Ambekar, APP for the State.

**CORAM : BHARATI DANGRE, J.
DATE : SEPTEMBER 20, 2022.**

P.C.:

1. Two applicants came to be arrested in connection with C.R. No. 279 of 2022 which invoke Sections 307, 323, 326, 504 and 506 read with section 34 of Indian Penal Code. The subject F.I.R. came to be registered on a complaint filed by Manoj Devidas Kadam and it arraigned three persons as accused and the present applicants are arraigned as accused nos. 2 and 3. They came to be arrested on 12th April, 2022.

On completion of investigation, charge-sheet has been filed.

2. On hearing learned counsel for the applicants and learned APP and on perusal of the charge-sheet, which is placed on record, the case of the prosecution is to the effect that Manoj Kadam came to be assaulted by co-accused Ali Ahmed Karimulla Mujahid and this resulted in fracture of his right hand index finger and he is also accused of assaulting his friend Ritesh Unde, who came to rescue him. The accused

is charged of assaulting Ritesh Unde by means of bamboo in his head and attempting to cause his death. As far as two applicants arraigned as accused nos. 2 and 3 are concerned, it is alleged that they have assaulted Ritesh Unde by hands and abused him. Applicant no. 1-Irfan Ali Shamshuddin Shah is also accused of threatening the complainant.

3. The charge against the two applicants having now being crystallized in the charge-sheet and since two applicants are not attributed as assailants of Ritesh Unde, who sustained a grievous injury on being hit by Ali Ahmed Karimulla by a bamboo in his head, in absence of any criminal antecedents, the applicants need not be further incarcerated. It is also not the case of the prosecution that the applicants will not make themselves available for trial. Hence the following order:

ORDER

- i) Bail Application is allowed.
- ii) The applicants are released on bail in connection with Crime No. 279 of 2022 registered with L.T. Marg Police Station on his furnishing P.R. Bond to the extent of Rs.25,000/- each (Rupees Twenty five Thousand Only) with one or two solvent sureties in the like amount.
- iii) The applicants shall mark their attendance before the

concerned police station on first Monday of trimester between 3.00 p.m. to 5.00 p.m till framing of charge.

iv) The applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade themselves from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with the evidence.

v) On being released on bail, the applicants shall give their contact numbers and residential address to the investigating officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)