

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

ANT. BAIL APPLICATION NO.3050 OF 2022

Asif Shaikh Gaffar and Anr. ... Applicants
Vs
The State of Maharashtra ... Respondents
...

Mr. V.V.Pethe for the Applicants.
Mr. N.B. Patil , APP for the Respondent-State.
PSI P.D.Sarowar, Manmad City Police Station present.

CORAM : SANDEEP K. SHINDE J.
DATE : 11th NOVEMBER, 2022.

P.C. :

Heard learned counsel for the applicants and the
learned Assistant Public Prosecutor for the State.

2 Applicant-Asif Shaikh Gaffar (Accused No.2) and
Asif Shaikh Shakil (Accused No.4) in Crime No.I-93 of 2022
registered with Manmad City Police Station for the offences
punishable under Sections 307, 324, 504, 506, 143, 147,

148 and 149 of the Indian Penal Code, 1860 do seek pre-arrest bail.

3 Prosecution case is that applicants being members of unlawful assembly in prosecution of common object committed offence of rioting armed with weapons and attempted to commit murder of Zahir Shaikh, brother of the first informant. In all nine persons have been arraigned; out of which accused nos.3 and 9 were granted pre-arrest protection; accused nos.1,5 and 6 have been granted regular bail; accused no.8 has been granted pre-arrest interim protection by this Court in ABA No.1864 of 2022. The investigation in the case is over and the charge-sheet has been filed.

4 The learned Assistant Public Prosecutor, on instructions, submits, applicants do not have, criminal record. Even otherwise, Charge-sheet indicates, Zahir

Shaikh (Injured) had sustained two grievous injuries; one of the right leg and another on fore-arm. Thus, to state, injuries were not on the vital parts of the body. In any case, allegations of assault being general and omnibus, in my view, custodial interrogation of the applicants shall not further the prosecution case. In that view of the matter, application is allowed. Hence, following order:

ORDER

- (i) In the event of arrest of the applicants in Crime No. I-93 of 2022 registered with Manmad City Police Station, they shall be released on executing PR bond for the sum of Rs.25,000/- each with one or more sureties in like sum.
- (ii) The applicants shall report to the Investigating Officer twice a month, i.e., 2nd and 4th Monday of every month between 11 a.m. to 1 noon till the charge-sheet is filed against them.
- (iii) The applicants shall furnish their permanent residential address and contact numbers to the Investigating Officer forthwith.

(iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

5 The application is accordingly allowed and disposed of.

6 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)