

SA Pathan

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

BAIL APPLICATION NO.62 OF 2023

Israil Shah Shakil Shah @ Gaddya	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Aisha Z. Ansari, for the Applicant.

Mrs. Veera Shinde, APP for State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 10, 2023

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, (for short 'Cr.P.C.') in connection with C.R. No.38 of 2022 registered with Ayesha Nagar police station, Malegaon, Nashik for offences punishable under Sections 307, 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code (for short 'IPC'), under Section 4, 25 of Arms Act and under Section 37(1)(3) r/w 135 of Maharashtra Police Act.

2. According to the prosecution, on 17 July 2022 there was scuffled between children which resulted in alleged assault. According to prosecution, the applicant is accused No.4. The role attributed to the applicant is of assault on left hand wrist and left knee by iron rod. The resultant injuries are similar. The applicant was arrested on 25 July 2022.

3. The investigating officer carried out investigation and after completion of investigation filed charge sheet against accused persons including the applicant. The applicant filed application under Section 439 of Cr.PC. seeking bail before learned Sessions Judge, the said application has been rejected by learned Sessions Judge by order dated 5 December 2022. Aggrieved thereby, the applicant has filed the present application.

4. On perusal of the charge-sheet and other material on record, it appears that the applicant allegedly assaulted the informant by iron rod on informant's wrist and left knee. On perusal of injury certificate, prima facie it appears that the injuries on wrist is simple in nature caused by the blunt and hard object. Other injuries to the informant are allegedly caused by the other weapons by the hands of other accused. The applicant in jail from 25 July 2022, the applicant has made out a case for release on bail. Hence, following order is passed:

- a) The application is allowed.
- b) The applicant Israil Shah Shakil Shah @ Gaddya be released on bail in C.R. No.38 of 2022 registered with Ayesha Nagar police station, Malegaon, Nashik for offences punishable under Sections 307, 326, 324, 323, 504, 506 r/w 34 of the Indian Penal Code (for short 'IPC'), under Section 4, 25 of Arms Act and under Section 37(1)(3) r/w 135 of Maharashtra Police Act, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- c) The applicant shall mark his attendance with the

concern police station on first Saturday of each month between 11:00 am to 2:00 pm till conclusion of trial.

d) The applicant shall remain present before the trial Court on each date unless exempted by the Sessions Court.

e) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

f) The applicant shall maintain law and order.

g) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.

5. The Bail Application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)