

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

BAIL APPLICATION NO.220 OF 2022

Mustafa @ Gulam Shafi Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Vinod Kashid for the Applicant.

Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 13th MARCH, 2023.**

P.C.

1. This is an application for bail filed under Section 439 Cr.P.C. by the aforesaid applicant, who is arrested in Crime No.231 of 2021 registered with Cuffe Parade Police Station, for offence under Section 302 r/w. 34 , which has culminated into registering Sessions Case No. 800 of 2021 pending on the file of Sessions Judge., Mumbai.

2. Heard Mr. Kashid, learned Counsel for the applicant and Mr. Gavand, learned APP for the State.

3. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged

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by Sandhya Anil Kesari, widow of deceased Anil Kesari. The FIR indicates that on 23.05.2021 there was an altercation between the Applicant and the deceased and that the Applicant had called the co-accused Sajid Momin who had inflicted blows of knife on the deceased. The deceased expired as a result of the injuries inflicted by the co-accused Sajid.

5. The records prima facie reveal that there was quarrel and scuffle between the deceased and the Applicant, and that the deceased had abused the Applicant for not giving ganja free of cost. The records also reveal that the Applicant had also sustained injuries in the said incident. Moreover, prima facie, the Applicant was not involved in inflicting the fatal blow. The Applicant is a permanent resident of the State and there are no chances of the Applicant absconding or thwarting the course of justice.

6. In view of the above facts and circumstances, in my considered view this would be a fit case for grant of bail. Hence the Order:-

(i) The application is allowed;

- (ii) The applicant who is facing trial in Sessions Case No.800 of 2021 arising out of Crime No.231 of 2021 registered at Cuffe Parade Police Station, be released on bail on furnishing cash bail in the sum of Rs.40,000/- (Rupees Forty Thousand Only) for a period of four weeks;
 - (iii) The Applicant shall within the said period of four weeks furnish bail bond in the sum of Rs.40,000/- (Rupees Forty Thousand Only) with one or two sureties in the like amount;
 - iv) The Applicant shall report to the Cuffe Parade Police Station on the first Monday of every month at 11.00 a.m. till framing of the charge;
 - (v) The Applicant shall not interfere with the complainant or the other witnesses, or tamper with the evidence in any manner;
 - (vi) The Applicant shall keep the Investigating Officer informed of his current address and mobile/ contact number and /or change of residence or contact details, if any, from time to time.
- . Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)