



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

BAIL APPLICATION NO.816 OF 2023

DANISH SALIM SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Amin Solkar a/w Ms. Misbaah Solkar, Mr. Gaurav Shenoy, Mr. Umang Shah, for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 19, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 302 and 307 of the Indian Penal Code, 1860 registered on 08/08/2022 vide C.R. No. 754 of 2022 with Virar police station.
- 3.** The applicant was arrested on 09/08/2022. The name of the deceased is Saddam. The date of the incident is 05/08/2022 at 2.00 a.m. The prosecution case is that around 4 friends were in the company of each other which included the deceased-Saddam. One of

the friend was playfully hitting the other. Thereafter 2 other friends also started playfully hitting Satyam. While this incident was going on, according to the witnesses, an unknown person came there and pushed Kabir alias Anwarule Mansuri and tried to assault him with a knife. Thereafter the witness Mumtaz and deceased Saddam tried to intervene. The unknown person gave a knife blows on Saddam's stomach and on back. Saddam's statement is also recorded. In the process, the unknown person also assaulted the witness Mumtaz on his chest. The unknown person is supposed to be the present applicant.

4. Learned APP opposed the application and submitted that there is recovery of a knife from the applicant. It is submitted that the applicant has been identified in test identification parade.

5. There is recovery of a knife from the applicant which is not stained with blood. The test identification parade was conducted almost after four and half months. There is no motive alleged against the present applicant. The assault was not premeditated. The applicant is in custody for about 14 months. The trial may likely to take a long time to conclude. No criminal antecedents are reported against the applicant. In the facts and circumstances of the present case, the applicant can be enlarged on bail. Hence, the following

order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Danish Salim Shaikh in connection with C.R. No. 754 of 2022 registered with Virar police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Virar police station once in three month on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (e) The applicant 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 him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- (g) The applicant shall not reside in the jurisdiction of the police

station where the offence is registered till further orders of the trial Court.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)