

Nikita

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

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BAIL APPLICATION NO.783 OF 2023

Shaikh Asif Shaikh Lateef @ Asif
Shampoo Son of Shaikh Lateef ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Aniket Vagal a/w Kunal Pednekar a/w Divesh
Mehni i/b Sumaira Legal Associates for the Applicant.

Mr. Pandurang H. Gaikwad, APP for the
State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 27, 2023

P.C.:

1. This is an application under Section 439 of the Criminal Procedure Code, 1973 seeking bail in connection with C.R. No.119 of 2022 registered with Pawarwadi Police Station, at Malegaon, Nashik for offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code, 186 read with Section 4 and 25 of the Arms Act, 1959.

2. After completion of the investigating, the Investigation Agency has filed charge-sheet. On perusal of the charge-sheet, it appears that role attributed to the applicant is that the applicant assaulted the injured on back by fighter. Apart from Section 307,

the applicant is charged with Section 149. In the facts of the case, the common object needs to be proved by the prosecution during trial. However, the nature of assault is on the back of the injured and there is no corresponding back injury shown in the medical certificate. Applicant was arrested on 10th July 2022, and it is unlikely that the trial will be completed in near future. The applicant has made out a case of release on bail. Hence following order:

- a) The applicant be released on bail in connection with C.R. No.119 of 2022 registered with Pawarwadi Police Station, at Malegaon, Nashik for offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code, 1860 read with Section 4 and 25 of the Arms Act, 1959, on furnishing P.R. bond of Rs.25,000/- along with one or two sureties in the like amount.
- b) The applicant shall remain present before the Investigation Officer on first Saturday of each month between 11.00 am to 2.00 pm till the completion of the trial.
- c) The applicant shall attend each and every date before the Trial Court unless specifically exempted by the Court.
- d) 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.
- e) 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;

3. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)