

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 292 OF 2021**

Hakim Shaikh S/o. Nizamuddin Shaikh ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Ashok M. Saraogi, Adv. for the Applicant.

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

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : MARCH 31, 2023

PC. :

1. The Applicant seeks pre-arrest bail in the Crime No. 518/2019 registered with Parksite Police station, Mumbai for the offences under Section 307, 504, 427, 109 & 120(B) read with 34 of the Indian Penal Code, 1860 and under Section 37(1) & 135 of Mumbai Police Act along with Sections 4 & 25 of the Indian Arms Act.

2. Heard learned Counsel for the Applicant and learned APP for the State. Perused the record and considered the submissions advanced by the learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report lodged by one Manohar Pratap Jariyal. The facts

narrated in the First Information Report indicate that on 06/10/2019, the co-accused Rizwan inflicted an injury on the First Informant by means of a chopper. It is alleged that the Applicant herein had instigated the main assailant in assaulting the First Informant. It is to be noted that by an order dated 16/10/2020, this Court had granted interim bail to the Applicant. It is stated that the charge-sheet has been filed against the co-accused and that the charge-sheet has not been filed against the Applicant only in view of the pendency of this application.

4. Considering the role attributed to the Applicant and considering the fact that the main assailant is on bail, in my considered view this is a fit case to exercise discretion of Section 438 of the Code of Criminal Procedure, 1973. Hence, the application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in Crime No. 518/2019 registered with Parksite Police Station, Mumbai, he shall be released on interim bail on furnishing Bail Bonds in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount;

(b) The Applicant shall appear before the Investigating Officer of the concerned Police Station as and when called for;

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the Complainant, witnesses or any person concerned with the case in any manner;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)