



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

BAIL APPLICATION NO. 1389 OF 2023

TABREZ @ AMAN SHARIF SHAIKH ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Mubin Solkar a/w Adv. Tahir Hussain a/w Adv. Anas
Shaikh i/b Adv. Juhera Qureshi for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 11, 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 307, 120-B and 34 of the Indian
Penal Code (IPC) and Sections 3 and 25 of the Arms Act
(Section 201 of the IPC and Sections 4, 25 of the Arms Act
came to be added later) registered on 28/04/2021 vide C.R.
No.192 of 2021 with Shahpur Police Station, Thane.
- 3.** There are in all 6 accused. The applicant and the co-
accused are alleged to have used pistol in the commission

of the alleged offence. So far as the co-accused is concerned, it is alleged that he fired one round on the injured witness. The injured witness has received a bullet injury on his shoulder. When the accused tried to make their escape the informant chased them. The applicant has allegedly fired one round at the informant. However, the bullet missed its mark. The informant was not injured.

4. Learned APP while opposing the application submitted that the applicant has an active role in the commission of the offence. It is further submitted that there are eye-witnesses and the applicant has been identified in the T.I. parade. Moreover, the incident was captured on CCTV. It is further submitted that there are criminal antecedents against the applicant.

5. So far as the criminal antecedent in respect of the offence punishable under Section 306 is concerned, learned counsel for the applicant submits that he has been acquitted. So far as the antecedent in respect of the C.R. No. 131 of 2012 is concerned, the same is under Section 307 and the said offence is of the year 2012. Then there is

one offence of the year 2011 which is under Sections 143, 147 and 149 of the IPC. In my opinion, these past antecedents by themselves are not sufficient to deny the applicant the facility of bail. The applicant was arrested on 15/05/2021 and is now in custody for more than 2 years and 6 months. Even the charge is not framed so far as the trial is concerned. I am inclined to enlarge the applicant on bail, by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Tabrez @ Aman Sharif Shaikh in connection with C.R. No.192 of 2021 registered with Shahpur 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 shall attend the Investigating Officer of Shahpur police station once in a month every first Sunday of the month between 11.00 a.m. and 1.00 p.m.
- (d) 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.

(e) 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.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Shahpur Taluka, District Thane, after being released on bail, till further orders of the trial Court.

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

(h) The applicant shall surrender his passport to the investigating officer. If the applicant does not have a passport, the applicant shall file an affidavit before the trial Court to that effect.

(i) If any of the conditions are breached the same shall be viewed seriously and shall be the ground for cancellation of this bail.

6. The application is disposed of.

(M. S. KARNIK, J.)