



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

BAIL APPLICATION NO.1502 OF 2023

FARUKH @ FARYA SATTAR SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Tanmay Jadhav h/f Mr. Atul R. Patil, for the applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 5, 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 section 307 of the Indian Penal Code, 1860, sections 3 and 7 of the Criminal Law Amendment Act, 1983, sections 25(4) of the Arms Act, under sections 37(1), 37(3), 135 of the Maharashtra Police Act, 1951 registered on 28/07/2022 vide C.R. No. 449 of 2022 with Bhosari MIDC Police Station. The applicant was arrested on 09/10/2022.
3. The date of the incident is 27/07/2022. It is submitted by learned APP that the applicant was absconding for 3

months. Having regard to the nature of the accusations, it is also submitted by learned APP that this is not a fit case to enlarge the applicant on bail. Learned APP further submitted that there are as many as 9 offences registered against the applicant in the nature of bodily offences as well as offences against the property.

4. It is alleged that the applicant assaulted the informant with a koyta. I have perused the injury certificate. The injury suffered is simple in nature. The medical certificate states that the injury may have been caused due to hard and blunt object. The applicant is in custody since 09/10/2022 and now in custody for almost 1 year and 2 months.

5. One of the ground for rejecting the bail application of the applicant by the trial Court is that there are 9 antecedents registered against the applicant. In my opinion, in the facts and circumstances of the present case, the applicant cannot be deprived of the facility of bail altogether due to antecedents but while enlarging the applicant on bail, certain conditions can be imposed. The investigation is complete. The charge-sheet has been filed. It is

submitted by learned APP that possibility of the applicant threatening the witnesses cannot be ruled out. In the facts and circumstances of the present case, 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- Farukh @ Farya Sattar Shaikh in connection with C.R. No. 449 of 2022 registered with Bhosari MIDC police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Bhosari MIDC police station once in a month on first Monday 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 the jurisdiction of Bhosari MIDC police station after being released on bail, till the trial concludes.

(g) 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.)