



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

BAIL APPLICATION NO.1592 OF 2023

SIRAJ SHABBIR AHMAD SHAIKH
AND ANR.

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Y. S. Adhiya for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 21, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail by the applicants against whom the offence punishable under Sections 307, 323, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) is registered vide First Information Report (FIR) No.391/2022 with Boisar MIDC Police Station. The applicants are the accused no.1 and 2.

3. On perusal of the statement of the victim dated 2/9/2022 reveals that the injured witness is known to the present applicants. It is alleged that injured witness and his

brother were traveling on the motorcycle when they noticed that the rickshaw was parked in the middle of the road. The applicant no.1 is the owner of the rickshaw. The brother of the injured witness was riding the motorcycle blew the horn two/three times but the accused no.1 did not move the rickshaw. The accused no.1 who was the owner of the rickshaw got annoyed. There was an altercation between the applicants and the injured witness. The applicant no.1 took out a knife from his pocket and assaulted the injured witness. The injury certificate of the victim which is at page no.72 mentions that the injury sustained by the injured witness was on the right side of the chest.

4. There are in all three accused persons. Two of the accused filed this application. The main role is attributed to the applicant no.1 who was carrying a knife. The applicants were arrested on 3/9/2022 and they are in custody for more than 11 months. The trial is likely to take a long time to conclude. In my opinion, taking an overall view of the matter and having regard to the manner in which the incident had happened, taking an overall view of the matter, the applicants can be released on bail by imposing stringent

conditions. There are no criminal antecedents reported against the applicants. There is nothing on record to indicate that the applicants are a flight risk.

5. I am informed that the informant is now not residing in the area where the incident has happened. The investigation is complete. The charge-sheet has been filed. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicants in connection with FIR No.391/2022 with Boisar MIDC Police Station, shall be released on bail on their furnishing P.R. Bonds of Rs.25,000/- each with one or more sureties in the like amount.

(c) The applicants shall report to the Investigating Officer of the concerned police station once every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicants 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 applicants shall not tamper with evidence.

(e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicants shall not enter the area of the concerned Police Station where the first informant is residing.

6. The application is disposed of.

(M. S. KARNIK, J.)