



Diksha Rane

36. BA 1815-23.doc

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

BAIL APPLICATION NO.1815/2023

AMIR NAWAB ALI SAYYED

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Irfan A. Shaikh for the applicant.
Ms. Rutuja Ambekar, APP for the State.
PSI Ankush K., APMC Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 9, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** Learned APP for the State opposed the application for bail.
- 3.** This is an application for bail in respect of the offence punishable under Sections 302, 394, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 16/11/2022 vide C.R. No.I-344/2022 with APMC Police Station.
- 4.** The date of the incident is 15/11/2022. The applicant along with one lady who was accompanying him

approached Shri Sajjan Gaikwad who was about to close his stall at about 10.00 p.m. The applicant asked him for Rs.300/- to buy liquor. The witness Sajjan Gaikwad refused to pay him money. The applicant started assaulting the said Sajjan Gaikwad with fists and kicks blows. One person Saeed (deceased) intervened and tried to persuade the applicant not to assault the said Sajjan Gaikwad. The applicant then removed money forcefully which was in the pocket of the said Sajjan Gaikwad after badly assaulting him with fists and kicks blows. Sajjan Gaikwad then pushed the applicant. The applicant got annoyed and picked up one stone tile which was lying on the ground. When the victim tried to intervene, the applicant hit the victim on his head with the tile. The victim became unconscious. Thereafter, the applicant and the lady accompanying him ran away. *Prima facie*, the incident does not appear to be premeditated. *Prima facie* the intention does not appear to commit murder.

5. Learned APP submitted that there is one previous criminal antecedent of similar nature against the applicant under Section 394 of the IPC. The incident is of the year

2001. Learned APP submitted that while on bail the applicant has committed the present offence.

6. The investigation is complete. The charge-sheet has been filed. The applicant was arrested on 20/11/2022 and is in custody for more than eleven months with no possibility of the trial concluding any time soon. *Prima facie*, the incident is not premeditated and the question whether the applicant had any intention to murder the victim will be decided at the time of trial. Though there is a criminal antecedent reported against the applicant, the applicant should not be deprived of the benefit of the facility of the bail in the facts and circumstances of the present case. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Amir Nawab Ali Sayyed in connection with C.R. No.I-344/2022 with APMC 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 APMC police station once in a week on every first Sunday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (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) The applicant shall attend the trial regularly.
- (g) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (h) The applicant shall surrender his passport, if any, to the investigating officer.
- (i) The applicant shall abide by the conditions strictly. If any condition is violated, the bail shall be liable to be cancelled.

(j) The applicant shall not leave the jurisdiction of Thane District without permission of the trial Court.

7. The application is disposed of.

(M. S. KARNIK, J.)