



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

BAIL APPLICATION NO. 1818 OF 2023

SHOEL KADAR SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Manoj R. Gowd, for the Applicant.

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

PI- Mr. Vijay Mane, Dharavi present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 4, 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, 326, 324, 452, 427, 380, 143, 144, 146, 148, 149, 506(ii), 120B, 109 of the Indian Penal Code, 1860 and under sections 4 and 25 of the Arms Act, under section 37(1)(a) and 135 of the Maharashtra Police Act registered on 02/10/2021 vide C.R. No.884 of 2021 with Dharavi police station. The applicant was arrested on 03/10/2021.

3. So far as the charge-sheet is concerned, the applicant

is arraigned as an accused no.2 in the charge-sheet. So far as the applicant is concerned, it is alleged that he assaulted the injured victims with an iron rod. Though the name of the applicant is not found in FIR, the applicant has been identified by the witness. The iron rod has been recovered. The applicant is in custody for more than 2 years. The injury on the person of the victims is simple in nature.

4. The application is opposed by learned APP.

5. In the facts and circumstances of the present case, considering that the applicant is in custody for more than 2 years and as the investigation is complete, the charge-sheet has been filed, the applicant can be enlarged on bail. There are 3 criminal antecedents reported against the applicant, one antecedent is under section 457 and 380 of IPC registered vide C.R. No. 374/2019 registered with Trombay police station and the other antecedent is under section 380 of IPC registered vide C.R. No.47/2019 with Trombay police station. Though there are criminal antecedents reported against the applicant which in my opinion by itself should not be a reason to deprive the applicant the facility of bail. The applicant can be enlarged on bail. The applicant is

incarcerated from 03/10/2021 for more than 2 years with no possibility of the trial concluding any time soon. The trial is likely to take a long time to conclude. Further custody only will be by way of a pre-trial punishment in the facts and circumstance of the case. I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Shoel Kadar Shaikh in connection with C.R. No. 884 of 2021 registered with Dharavi 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 is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Dharavi police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (e) 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.

(f) 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.

(g) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall reside outside the jurisdiction of Mumbai/Mumbai Suburban District after being released on bail, till further orders that subject to modification of this condition by the trial Court.

(h) 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.)