

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

BAIL APPLICATION NO.2616 OF 2022

PRADNYA
MAKARAND
BHOALE

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BHOALE
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Noor Mohammed Makdumbaksh Siddiqui ..Applicant

VS.

The State of Maharashtra ..Respondent

Mr. Prathamesh Naik i/b. Meghashyam Kocharekar for the
Applicant.

Mr. S. V. Gavand, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 18, 2023

P.C. :

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

2. This is an application for bail by the applicant-Noor
Mohammed Makdumbaksh Siddiqui in connection with C.R.
No.267 of 2021 dated 26/10/2021 registered with
Nizampura Police Station for the offence punishable under
Sections 302, 143, 147 and 149 of the Indian Penal Code,
1860 (hereafter "the IPC", for short).

3. The date of the FIR is 26/10/2021. In brief, it is the
case of the prosecution that the applicant along with five

others assaulted the deceased with fists and kicks blows. Shafiq Mohammed Shaikh (deceased) died as a result of the injuries suffered by him. The reason for this assault is that Shafiq (deceased) tried to steal the box containing earnings of the food stall which belonged to the son of the applicant. From the statement of the witness (Badrujama Abdul Mannan Khan) it reveals that the main assailant was the applicant's son. The co-accused – Mohammed Zakir Samad Ansari who is attributed with the similar role as that of the applicant has been granted bail by the Sessions Court by an order dated 24/03/2022. The applicant was arrested on 03/11/2021.

4. Considering the nature of the accusations and the manner in which the incident happened, further that the co-accused having a similar role as that of the applicant having been granted bail, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. The charge-sheet has been filed and the investigation is complete. The charge has not yet been framed and the trial is likely to take long time to conclude.

5. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Noor Mohammed Makdumbaksh Siddiqui shall be released on bail in connection with C.R. No.267 of 2021 registered with Nizampura Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) 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.
- (d) The applicant shall report to the concerned police station once in a month i.e. on first Monday of every month between 11.00 a.m. and 1.00 p.m.
- (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.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)