



Diksha Rane

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

BAIL APPLICATION NO.2503/2023

SHAHRUKH HAJI SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

None for the applicant.

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

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 9, 2023.

P.C. :

1. None for the applicant. I have heard learned counsel for the applicant in detail on the last occasion. It is at the request of learned APP the matter was adjourned.

2. Heard learned APP for the State.

3. This is an application for bail in respect of the offence punishable under Sections 307, 324, 323, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 4, 25 of the Indian Arms Act read with Sections 37(1), 135 of the Maharashtra Police Act read with Sections 3(1)/181, 5(1)/181, 24(1)/181 of the Motor Vehicle Act, 1988 registered on 6/7/2018 vide C.R. No.I217/2018

with Dombivali Police Station.

4. It is alleged that the date of the incident is 7/7/2018. The prosecution case is that the accused were travelling in an auto-rickshaw. The auto-rickshaw was driven at high speed. When questioned by the injured witness, the present applicant who was in the auto-rickshaw got annoyed and assaulted the injured with the chopper.

5. The applicant was arrested on 7/7/2018 and now in custody for more than five years and three months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. The charge has been framed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Shahrukh Haji Shaikh in connection with C.R. No.I217/2018 registered with Dombivali 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 Dombivali police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(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 not enter the jurisdiction of Dombivali Police Station after being released on bail, till the trial concludes.

(h) The applicant shall not enter the area of the police station where the informant and the witnesses are residing.

(i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(j) The applicant shall surrender his passport, if any, to the investigating officer.

6. The application is disposed of.

(M. S. KARNIK, J.)