

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

CRIMINAL BAIL APPLICATION NO. 304 OF 2022

Jay Dilip Shejwal	...Applicant
Versus	
State Of Maharashtra	...Respondent

**WITH
INTERIM APPLICATION NO. 3448 OF 2022**

Khwaja Mohammed Shaikh	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Subhash Jha a/w Ms. Shraddha Kataria, Mr. Ritesh kesarwani i/
b Law global for the Applicant.
Ms. Anamika Malhotra, APP, for the Respondent-State.
Mr. Mahesh D. Pol for the Intervenor in IA/3448/2022

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 568 of 2021 registered with D. N. Nagar Police Station, Mumbai for the offences punishable under Section 120-B, 141, 143, 144, 148,

149, 307, 326, 324, 452, 504, 427, 506(2) read with Section 34 of Indian Penal Code, 1860 (for short “IPC”).

2. It is prosecution’s case that complainant, co-accused & applicant were residing in same building. There was dispute between them on the issue of parking. Two years prior to the incident, scuffle took place between them and cross cases were registered by both parties against each other. It is alleged that on 15th July, 2021 at 9:30 p.m. when complainant was sitting with his associate, Applicant and co-accused came from back side, they were carrying knife and sickle in their hands. Applicant gave a blow of knife on the head, back of the head, on left wrist and on waist of complainant. The co-accused accompanying applicant attacked on witnesses Chandrashekhar Guada and Balu Navgire. They also broke the glasses of windows of the office of complainant. On the basis of complaint, FIR was registered against the applicant and co-accused.

3. It is contention of learned counsel for the applicant that applicant has been falsely implicated in this case. As per medical history, complainant had stated 6 to 7 unknown persons assaulted

him but in FIR, names of only 4 persons were given. In medical report, nature of injuries i.e. grievous or simple are not mentioned. Learned counsel further submitted that in the said incident, applicant had also suffered serious injuries and he was hospitalized, but police did not take cognizance of it. Learned counsel further submitted that complainant was discharged from the hospital within four days. The complainant has criminal antecedents, he is history-sheeter criminal. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. It is contention of learned counsel for intervenor that applicant is habitual offender. Externment order was passed against him. He along with co-accused had tried to kill the complainant. The incident is captured in CCTV footage. In the said footage, it shows the role of applicant. The incident happened due to issue of re-development of the said building. If applicant is released on bail, he may threaten the prosecution witnesses. Hence, requested to reject the application.

5. Learned APP reiterated the submissions of learned counsel

for intervenor.

6. I have heard all learned counsels. Perused FIR and charge-sheet.

7. The allegations against the applicant are that he along with other co-accused assaulted the complainant with knife. The medical papers does not show the nature of injury. Applicant was admitted in hospital on 15th July, 2021 and he was discharged on 25th July, 2021. Applicant is behind bar for more than two years. Investigation is completed and charge-sheet has been filed. It may take time to conclude the trial

8. Considering the above facts, further detention of applicant is not required.

9. In view of above, I pass following order.

ORDER

(i) Applicant be enlarged on bail in C. R. No. 568 of 2021 registered with D. N. Nagar Police Station,

Mumbai, on executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11:00 a.m. to 2:00 p.m. till framing of charge.

(iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witness or any person concerned with the case.

(v) Applicant shall not contact complainant or witnesses till the conclusion of the trial.

10. The application is allowed in the aforesaid terms and is accordingly disposed of.

11. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the

case on its own merits in accordance with law and uninfluenced by observations made in this order.

12. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)