



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

**BAIL APPLICATION NO. 2554 OF 2023**

SHAHID KHALIL SHAIKH ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Mohsin Khan Latif, for the Applicant.  
Mr. N. B. Patil, APP for the State.  
PSI- Mohan Waghmare, Khar Police Station present.

**CORAM : M. S. KARNIK, J.**

**DATE : OCTOBER 27, 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 C.R.No. 141 of 2022 dated 06/03/2022 registered with Khar Police Station for the offence punishable under sections 307, 326, 34, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860 along with sections 37 and 135 of the Mumbai Police Act.
3. For the ease of the reference, the order dated 28/08/2023 in Bail Application No. 1007 of 2023 in respect of co-accused – Salman Kalim Qureshi is reproduced which will cover the controversy in the present case which reads thus:

- “1. Heard learned counsel for the applicant and learned APP.
2. This is an application for bail in respect of C.R.No. 141 of 2022 dated 06/03/2022 registered with Khar Police Station for the offence punishable under sections 307, 326, 341, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860 along with sections 37 and 135 of the Mumbai Police Act.
3. It is the case that 8 accused assaulted the victim-Shubham Singh and injured him. 5 co-accused are released on bail. So far as the applicant is concerned, he is accused no. 3.
4. The application is opposed by learned APP submitting that there is recovery from the applicant and that he was absconding and had to be arrested from Karnataka.
5. The applicant is in custody from 22/09/2022. I have perused the injury certificate. All injuries are of simple in nature. I may not be understood to have observed that merely because the victim suffered simple injuries. The offence under section 307 is not attracted. The observations are limited to considering the application for bail. Though knife is recovered from the applicant, the same is not having blood stains.
6. Though counsel for the applicant submitted that the applicant is a resident of Mumbai, however, it is the submission of learned APP that the applicant is from Karnataka. Learned counsel for the applicant submits that the applicant's in-laws are the residents of Karnataka. Be that as it may, considering that trial may take a long time to conclude, the applicant can be released on bail by imposing certain conditions. The investigation is complete and charge-sheet filed. There are no criminal antecedents reported. The applicant does not appear to be a flight risk.”

**4.** The applicant's role is at par with that of co-accused Salman Kalim Qureshi who has been enlarged on bail. The applicant is arrested on 15/07/2022. The applicant is in custody for more than 13 months. I am inclined to enlarge

the applicant on bail. Hence, the following order :-

**ORDER**

(a) The application is allowed.

(b) The applicant – Shahid Khalil Shaikh in connection with C.R. No. 141 of 2022 registered with Khar Police Station shall be released on bail on his furnishing P.R. bond in the sum of Rs.25,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the investigating officer of the concerned Police Station once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer of the concerned Police Station and shall keep him updated, if there is any change.

**5.** The application is disposed of.

**(M. S. KARNIK, J.)**