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

BAIL APPLICATION NO.2563 OF 2023

1. SHAIKH HAMZA MOHAMMAD AZAM

2. MOHAMMED SOHEB MEHMOOD

ABDULLA KUNI

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Shekhar H. Singh for the applicants.

Mr. N. B. Patil, APP for the State.

PI Sachin Kumbhar, Shahu Nagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 6, 2023

P.C. :

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

2. This is an application for bail in respect of the offence punishable under Sections 307, 326, 323, 504, 506(2), 143, 147, 149 of the Indian Penal Code (hereafter 'IPC' for short) registered on 21.07.2023 vide C.R. No.211 of 2023 with Shahu Nagar Police Station.

3. The date of the incident is 20.07.2023 at around 11 p.m. The applicants were arrested on 21.07.2023. There

was some talk of marriage proposal between two families. The talks failed. This led to a dispute between two groups representing the respective families. The accusations are that the accused Nos.1 and 2 along with other accused assaulted the complainant. There are cross complaints. The applicants were assaulted by the complainant's party. The applicants also suffered simple injuries as they are alleged to have been assaulted by the accused from the complainant's side. I have seen the medical certificate. Two injuries are grievous in nature. One injury attributed to the applicant No.1 is that the applicant assaulted on the nose of the injured which is a grievous injury. The applicants are in custody since 21.07.2023. The charge-sheet is yet to be filed.

4. Learned APP while opposing the application for bail submitted that there is one antecedent against the applicant No.2 under Section 326 of the IPC of the year 2020.

5. In my opinion the antecedent by itself is not sufficient to deny the applicant No.2 the facility of bail having regard

to the facts and circumstances of the present case. In the facts and circumstances of the present case, considering the incident prima facie appears not to be premeditated. These are cross FIRs. I am inclined to enlarge the applicants on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants-Shaikh Hamza Mohammad Azam and Mohammed Soheb Mehmood Abdulla Kuni in connection with C.R. No.211 of 2023 registered with Shahu Nagar Police Station shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants are permitted to furnish cash bail surety in the sum of Rs. 25,000/- each for a period of 6 weeks in lieu of surety.
- (d) The applicants shall report to the concerned police station as and when called for.
- (e) The applicants 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 applicants shall not tamper with evidence.

(f) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicants shall not enter the jurisdiction of Dharavi, Shahu Nagar and Mahim Police Station till further orders of the trial Court.

6. The application is disposed of.

(M. S. KARNIK, J.)