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

**BAIL APPLICATION NO.4078/2021
WITH
INTERIM APPLICATION NO.3391/2022**

MOHAMMAD RIYAZ ABDUL

MAJEED SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Majid Anwar Ibji a/w. Mr. Mohsin Sayed i/b. Mr. Arif
Siddique for the applicant.

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

CORAM : M. S. KARNIK, J.

DATE : JANUARY 9, 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 the First
Information Report (FIR) No.36/2019 registered with Tilak
Nagar Police Station for the offence punishable under
Sections 302, 307, 323, 324, 506(ii) read with 34 of the
Indian Penal Code, 1860 (hereafter 'the IPC' for short) and
Sections 37(1)(A), 135 of the Maharashtra Police Act, 1951.

3. The date of the incident is January 21, 2019. The applicant was arrested on January 23, 2019. The applicant is in custody for almost 4 years (more than 3 years and 11 months). The investigation is complete. The charge-sheet has been filed. No antecedents are reported against the applicant.

4. Learned APP strongly opposed this application.

5. The incident was an outcome of the scuffle that followed pursuant to the deceased Siddhesh reprimanding the accused no.1 from consuming drugs. It is the accused no.1 who is alleged to have stabbed the deceased. So far as the applicant is concerned, he has assaulted the other witnesses who have suffered simple injuries. Even the cause of death reported is 'Septicemia in an operated case of stab injury to chest and abdomen'. Even this injury is not attributable to the present applicant. The applicant as stated earlier is in custody for almost 4 years. The trial is not likely to conclude any time soon. The applicant is, therefore, released on bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant – Mohammad Riyaz Abdul Majeed Shaikh in connection with FIR No.36/2019 registered with Tilak Nagar Police Station, shall be released on bail on furnishing P.R.bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the concerned police station once in a month on every Monday, between 11.00 a.m. and 1.00 p.m. till further orders;

(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.

6. The application is disposed of.

7. The interim application is also disposed of.

(M. S. KARNIK, J.)