



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

BAIL APPLICATION NO. 2749 OF 2023

SHAIKH WASIM SHAIKH SALIM

@ WASIM BHANJA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Aniket Vagal a/w Ms. Savvy Kolhekar for the Applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 07, 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 offence punishable under Sections 302, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Sections 4 read with 25 of the Arms Act registered on 24/07/2022 vide C.R. No.94 of 2022 with Azad Nagar Police Station, Nashik.
- 3.** It is the case of the prosecution that on 24/07/2022 at about 12.15 a.m., the informant was sitting at the chowk of

Salim Munshi Nagar. At that time, the deceased - Ibrahim made him a phone call and informed him that he had intervened in the quarrel between the accused - Afzal and one Kasif Shaikh. Hence, Afzal raised a quarrel with the deceased and further threatened that he would kill him. Sometime thereafter Afzal made a phone call to the informant and told him that he would kill Ibrahim and the informant should not intervene in the dispute. Thereafter, at about 1.15 a.m., the informant and Ibrahim had gone to Galli No.2 at Salim Munshi Nagar. Afzal along with the other accused came there and suddenly started to beat Ibrahim.

4. So far as the present applicant is concerned, who is accused No.6, it is alleged that he assaulted the deceased on his back with a sword. However, in the post-mortem notes there is no corresponding sword injury on the back of the deceased. It is then alleged that the applicant assaulted the persons accompanying the deceased. The injured witnesses have suffered simple injuries. The co-accused Nasir Khan Ayub Khan having a similar role has

been enlarged on bail by this Court by order dated 31/08/2023 in Bail Application No. 629 of 2023.

5. Learned APP opposed the application and submitted that the offence was serious and the eyewitnesses attributed a specific role to the applicant.

6. The applicant is in custody for more than 1 year and 2 months without any possibility of trial concluding any time soon appears remote. In the facts and circumstances of the present case, considering that the investigation is complete and the charge-sheet has been filed and as there are no criminal antecedents reported against the present applicant, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Shaikh Wasim Shaikh Salim @ Wasim Bhanja in connection with C.R. No. 94 of 2022 registered with Azad Nagar 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 shall attend the Investigating Officer of Azad Nagar police station once in a month every first

Monday of the month 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 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.

(e) 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.

(f) The applicant shall reside outside Malegaon taluka till the conclusion of the trial. Except of the purpose of reporting to the Investigating Officer and attending the trial, the applicant shall not enter Malegaon taluka till the trial is concluded.

(g) The applicant shall attend the trial regularly.

(h) In case there is any breach of any of the conditions, the same shall be viewed seriously.

7. The application is disposed of.

(M. S. KARNIK, J.)