



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

BAIL APPLICATION NO.2819 OF 2023

SHAKEEL NISAR SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Maya S. Updeshe i/b. Adv. Sana Shaikh for the
Applicant.

Ms. Veera Shinde, APP for the State.

PSI Shekhar Pawar, R.A.K. Marg Police Station, Mumbai.

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 307, 506, 323, 504 read with 34
of the Indian Penal Code (hereafter 'IPC' for short)
registered on 25.08.2019 vide C.R. No.217 of 2019 with
R.A.K. Marg Police Station, Mumbai.

3. Initially the offence under Section 307, 506, 323, 504
read with 34 of the IPC was registered against the
applicant. Later on Section 302 of the IPC came to be

added. The date of the incident is 24.08.2019. The accused were angry because the informant's father did not give them cigarettes on credit. The accused were abusing the family members of the informant when Zuber-deceased tried to intervene. It is alleged that the applicant caught hold of the deceased. The co-accused – Javed Sarvar Shaikh @ China took a tile which was lying close by and gave two blows with it on the head of the deceased-Zuber. The injured witness Zuber was taken to the hospital. After few days he succumbed to the injury. The applicant was arrested on 25.08.2019. The trial has not yet commenced. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant. Considering the role of the applicant and since the applicant is in custody for more than four years as an under-trial prisoner, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant—Shakeel Nisar Shaikh in connection with C.R. No.217 of 2019 registered with

R.A.K. Marg Police Station, Mumbai 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 R.A.K. Marg Police Station, Mumbai 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) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of R.A.K. Marg Police Station, Mumbai after being released on bail, till the trial concludes.

(g) The applicant shall attend trial regularly.

(h) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

4. The application is disposed of.

(M. S. KARNIK, J.)