



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2641 OF 2023**

Aslam Uyakat Shaikh	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Sumeet Gemnani i/by Mr. Satyan Pille, for Applicant.
Mrs. Ashwini A. Takalkar, APP for State.
Mr. Jagdish K. Gite, PSI Hill Line Police Station, Thane City present.

CORAM: N.J.JAMADAR, J.

DATE : 26 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.297 of 2023 registered with Hill Line Police Station, initially for the offences punishable under Sections 323, 324 of the IPC. Subsequently, a charge for the offence punishable under Section 326 of IPC seems to have been added.
3. The first informant lodged a report with the allegations that on 25 August 2023 while he had been to the ground near Kurla Camp, the applicant and the co-accused accosted and assaulted him. Co-accused Atiq allegedly assaulted the first informant by means of an iron rod. The applicant and other co-accused assaulted the first informant by means of fist and kick blows.
4. The learned Counsel for the Applicant submitted that initially FIR was

lodged for the offences punishable under Section 323 and 324 only. Even otherwise, the role attributed to the applicant is of giving blows by means of fist and kick blows.

5. I have perused the injury certificate. It indicates that the applicant had sustained two injuries probably by means of iron rod. CLW on occipital region of head was opined to be grievous. Prima facie, injuries sustained by the first informant are attributable to the co-accused Atiq who was armed with an iron rod. The applicant, at best, can be said to have caused hurt to the first informant by means of fist and kick blows. Whether the applicant shared the common intention to cause grievous hurt by means of dangerous weapon would be a matter for trial. The Applicant appears to have roots in society. I am, therefore, inclined to exercise the discretion in favour of the applicant.

6. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Aslam Uyakat Shaikh in connection with C.R.No.297 of 2023 registered with Hill Line Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Hill Line Police Station on 5 and 7 October 2023 in between 10.00 a.m. to 1.00 a.m.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give

threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(vi) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)