

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3296 OF 2022

Shahnur @ Shahruk Ajij Shaikh ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Aniket Nikam alongwith Mr. Piyush Toshnival instructed by Mr. Amit Icham for the Applicant.

Mr. Amit Palkar, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 10 FEBRUARY 2023

P.C. :-

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 146 of 2021 registered at Swargate Police Station, Pune for the offences punishable under Sections 307, 120-B, 326, 324, 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code, Sections 4 r/w. 25 of the Arms Act, 1959, Sections 37(1) r/w. 135 of the Maharashtra Police Act, 1951, Section 3 of the Epidemic Diseases Act, 1897, Section 51(b) of the Disaster Management Act, 2005 and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, on the date of incident, which took place on 23 August 2021, the present applicant and other co-accused assaulted the complainant and his friend Govind Kumbhar by sword, koyta etc. and attempted to kill them on account of previous enmity. According to the prosecution, during the course of investigation, the alleged crime was found to be committed by the organized crime syndicate formed by co-accused Akram Shaikh.

5. I have perused the statement of eye witnesses. They have not attributed any overt act to the present applicant. According to the prosecution, the applicant is a member of organised crime syndicate formed by Akram Shaikh, however, prima facie, there appears to be no material to that effect. There are no other criminal antecedents. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Shahnur @ Shahruk Ajij Shaikh be released on bail in Crime No. 146 of 2021 registered at Swargate Police Station, Pune for the offences punishable under Sections 307, 120-B, 326, 324, 323, 504, 506, 143, 147, 148, 149 of Indian Penal Code, Sections 4 r/w. 25 of the Arms Act, 1959, Sections 37(1) r/w. 135 of the Maharashtra Police Act, 1951, Section 3 of the Epidemic Diseases Act, 1897, Section 51(b) of the Disaster Management Act, 2005 and Sections 3(1)(ii), 3(2),

3(4) of the Maharashtra Control of Organized Crime Act, 1999, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date: 2023.05.10
17:31:00 +0530