



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

BAIL APPLICATION NO. 3281 OF 2023

AMIR SHAH @ AMMU ARMAN SHAH	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr.Anilkumar Patil a/w Mr. S.M. Bhavar, Mr.Manish Khadakban and Ms. Zeel Jain, for the Applicant.
Mr. N. B. Patil, APP for the State.
API- Mr. D.J. BADGUJAR, Pawarwadi police station , Malegaon present

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 10, 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, 326, 143, 147, 148, 149, 452 of the Indian Penal Code, 1860, under section 33(1)(3) read with section 135 of the Bombay Police Act registered on 15/12/2022 vide C.R. No.256 of 2022 with Pawarvadi police station.
3. The applicant is the accused no. 6. The applicant was arrested on 03/07/2023.

4. The co-accused- Khalil Ahmad Raees Ahmad having similar role has been enlarged on bail by this Court on 01/09/2023 in Bail Application No. 1832 of 2023. The relevant portion of the said order reads thus :

“The FIR was registered on 15.12.2022. There are six accused. The applicant is accused No.4. The applicant was arrested on 15.12.2022 and now in custody for more than eight months. The accusations are that five to six accused entered the house of the injured witness and assaulted him with short weapons, viz knives. Another injured witness tried to intervene when he was assaulted with the knife. So far as the applicant is concerned, the applicant was with the accused when they entered the house. No specific role is attributed to the present applicant of assault. There is no recovery from the applicant. Three knives are recovered from the other co-accused. The trial is likely to take a long time to conclude. The investigation is complete and the charge-sheet has been filed. There are no criminal antecedents reported against the applicant.”

5. The applicant can claim parity with the co-accused Khalil, however it is pointed out by learned APP that the applicant had absconded and during this period, two offences are registered against him one of which is vide C.R. no. 87 of 2023 under sections 386, 387, 143, 147, 148, 149, 20B, 427 of IPC and 4, 25 of the Arms Act registered with Malegaon police station and the other offence is registered vide C.R. No. 85 of 2023 for the offence punishable under

section 22 of the NDPS Act and under sections 328, 276 and 34 of IPC with Ramjanpura police station.

6. The applicant has been arrested in the aforesaid CRs. So far as the present application is concerned, considering that the applicant is in custody from 03/07/2023, in the facts and circumstances of the present case, the applicant can be enlarged on bail, however I am inclined to impose certain conditions looking at the nature of the antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Amir Shah @ Ammu Arman Shah in connection with C.R. No.I-256 of 2022 registered with Pawarwadi 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 Pawarwadi 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) Except for attending the trial and for the purpose of reporting to the investigating officer, or if he is arrested so or wanted in any other case, the applicant shall not enter the Malegaon Taluka after being released on bail, till the trial concludes

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

7. The application is disposed of.

(M. S. KARNIK, J.)