



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

BAIL APPLICATION NO.3805 OF 2023

EBRAHIM HASAN SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. R.D. Suryavanshi, for the Applicant.

Mr. Suraj N. Naik, for Complainant/Intervener.

Mr. P. H. Gaikwad, APP for the State.

PI- Sagar Tilekar, Naigaon police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 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, 324, 326 of the Indian Penal Code, 1860 and under section 135 of the Maharashtra Police Act registered on 15/06/2023 vide C.R. No.I-146 of 2023 with Naigaon police station. The applicant was arrested on 17/06/2023.

3. The applicant is the son-in-law of the informant. It is alleged that over a family dispute, the applicant assaulted his father-in- law in the factory premises with an aluminum

rod and one knife which was lying in the factory premises.

4. Learned APP while opposing the application for bail submitted that pursuant to the incident, applicant fired 2 rounds of bullets from a bore-gun on the window of the first floor of the residence of the first informant. Learned APP opposed the application for bail as there are eye-witnesses to the incident apart from the incident captured in the CCTV camera.

5. Learned counsel for the complainant appeared and submitted that due to some misunderstanding, the incident happened. It is further submitted that the informant as well as the applicant's brother-in-law have no objection if the applicant is enlarged on bail. The applicant was arrested on 17/06/2023. The investigation is complete. The charge-sheet has been filed. Learned APP submitted that there are 2 criminal antecedents reported against the applicant registered with Waliv police station, one under sections 307, 504, 506 of IPC vide C.R. No. 337 of 2019 and the other criminal antecedent is registered vide C.R. No. 238 of 2014 under sections 326, 323, 504, 506, 34 of IPC.

6. The trial is likely to take a long time to conclude.

Further custody will only be by way of a pre-trial punishment in the facts and circumstance of the case. The applicant will face the consequences post-trial if found guilty. No doubt there are criminal antecedents reported against the applicant which in my opinion by itself should not be a reason to deprive the applicant the facility of bail. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Ebrahim Hasan Shaikh in connection with C.R. No. I-146 of 2023 registered with Naigaon police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Naigaon police station once in a month on first Monday of every month between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

(g) Except for attending the trial and for the purpose of reporting to the investigating officer, the applicant shall not enter the jurisdiction of Naigaon, Vasai and Palghar areas after being released on bail, till the trial concludes.

(h) 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.)