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

BAIL APPLICATION NO.3937 OF 2023

JUMMAN AZIZ SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

None for the applicant.

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

PSI Vilas Surve, Deonar Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 13, 2023

P.C. :

1. None appears for the applicant.
2. This is an application for bail in respect of the offence punishable under Sections 307, 326, 506, 143, 147, 148, 149, 34 of the Indian Penal Code (hereafter 'IPC' for short), under Sections 4, 25, 27 of Indian Arms Act and under Sections 37(1)(A), 135 of Maharashtra Police Act registered on 27.02.2023 vide C.R. No.60 of 2023 with Deonar Police Station.
3. With the assistance of learned APP I have perused the materials on record. My attention is invited to the injury

certificate which reveals that two of the injuries are grievous in nature caused by a sharp edged weapon. There are in all four accused. It is alleged that the accused assaulted the victim on 26.02.2023. As per the version of the injured victim three of the accused assaulted the victim with a sharp edged weapon. So far as the applicant is concerned, it is alleged that the victim was assaulted on his head by paver block. The injury certificate reveals that the main injury on the right parietal region is caused by sharp edged weapon. Prima facie the injury cannot be said to be attributed to the present applicant as there are other accused who were having sharp edged weapons and are accused of assaulting the victim on his head with sharp edged weapons.

4. Learned APP while opposing the application for bail submitted that the injury attributed to the applicant is with the paver block and there are blood stained clothes recovered at the instance of the applicant. The applicant himself is an eye witness apart from there being the other witnesses.

5. It is made clear that considering the nature of the injury attributed to the applicant and the weapon used, the present applicant's case is considered for bail. The applicant was arrested on 27.02.2023 and is now in custody for more than ten months. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Jumman Aziz Shaikh in connection with C.R. No.60 of 2023 registered with Deonar 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 Deonar 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, the applicant shall not enter the area of Deonar Police Station after being released on bail, till further orders of the trial Court. Depending on the conduct of the applicant, it is open for the applicant to apply for modification of this condition to the trial Court at a later stage.

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

6. The application is disposed of.

(M. S. KARNIK, J.)