



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.634 OF 2024**

Shabab Mohammad Saleem Salmani @ Sonu	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Arjun Rajput for Applicant.
Mrs. Geeta P. Mulekar, APP for State.
Mr. Vilas Surve, PSI, Deonar Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 21 FEBRUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.272 of 2023 registered with Deonar Police Station for the offences punishable under Sections 307, 326, 323, 504, 506(2) read with Section 34 of the Indian Penal Code, Section 37(1)(a) read with Section 135 of the Maharashtra Police Act, 1951 and Sections 4, 25 and 27 of the Arms Act, 1959.
3. The first informant and the accused are the residents of the same locality. The applicant is alleged to have created a reign of terror in Gowandi area. Co-accused Farhan Shaikh and Aadesh Kamble are allegedly the associates of the applicant. On 14 July 2023, the first informant had joined the applicant and the co-accused while they were having drinks. An altercation ensued over a previous quarrel

between the first informant and the applicant. When the first informant tried to reason with Farhan, the co-accused, the applicant assaulted him by means of knife. Co-accused Farhan allegedly assaulted the first informant by means of a scythe on the head of the first informant. Co-accused Aadesh also gave blows on the head of the first informant by taking over the knife from the applicant.

4. At the outset, the learned Counsel for the Applicant submitted that the co-accused Farhan has been granted bail by this Court by an order dated 9 February 2024. Thus, the applicant is entitled to the same dispensation.

5. Learned APP resisted the prayer for bail. It was submitted that the applicant is a history sheeter. The weapons of the offence as well as blood stained clothes have been recovered pursuant to the discovery made by the applicant. Therefore, the applicant does not deserve to be released on bail.

6. While releasing the co-accused Farhan Irfan Shaikh on bail, this Court has, inter alia, observed as under :

“7. I have perused the allegations in the FIR and the injury certificate. The applicant and co-accused had allegedly assaulted the first informant by means of scythe and knife respectively. The Medical Officer who examined the first informant at LTMG Hospital, Sion, Mumbai had not noted any injury on the head of the first informant. Three injuries were noted on the face of the first informant. All the injuries were simple and appeared to have been caused by a blunt object. Evidently, the first informant had not sustained any injury by means of a sharp object on the head.

8. Prima facie, the allegation of assault by means of scythe on the head of

the first informant does not find support in the Medico-Legal papers. Moreover, it is alleged that three persons had assaulted the first informant by means of a sharp weapons. In that event, there would have been marks of injuries on the person of the first informant by means of sharp weapons.”

7. The aforesaid reasons which weighed with this Court in releasing the co-accused Farhan, govern the claim of the applicant for bail with equal force. So far as the antecedents of the applicant, the same can be taken care of by imposing conditions like the one which were imposed on Farhan, the co-accused.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Shabab Mohammad Saleem Salmani @ Sonu be released on bail in C.R.No.272 of 2023 registered with Deonar Police Station, Mumbai on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at Deonar Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of two years or till the conclusion of the trial whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence. 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.

(v) The applicant shall stay away from the limits of Deonar, Govandi and Shivaji Nagar Police Stations for a period of two years or till the conclusion of the trial, whichever is earlier, except for marking his presence.

(vi) 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.

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

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)