



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

BAIL APPLICATION NO. 659 OF 2024

FARUK MANNAN SHAIKH ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Ruby Shaikh a/w Adv. Imran Shaikh for the Applicant.
Ms. Megha S. Bajoria, APP for the State.
API Londhe, Trombay Police Station.

CORAM : M. S. KARNIK, J.

DATE : MARCH 15, 2024

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, 324, 504, 506(2) read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 02/10/2022 vide C.R. No.512 of 2022 with Trombay Police Station.
- 3.** This is the second bail application. The earlier bail application vide Bail Application No. 867 of 2023 was withdrawn by the applicant vide order dated 31/08/2023 with

liberty to file afresh after six months. The date of the incident is 02/10/2022. The incident happened at around 12.30 a.m. The prosecution alleges that the applicant and the co-accused assaulted the injured witness. The applicant is attributed the role of delivering blow by 'koyta' on the head of the injured witness. The other co-accused who has been enlarged on bail attributed the role of assaulting the injured witness with bamboo stick. The injuries are simple in nature.

4. Learned APP opposed the application. It is submitted that there are three criminal antecedents registered against the present applicant, out of which two antecedents are registered for the offence under Section 307 of the IPC. It is submitted that the applicant is a habitual criminal. It is further submitted that only 7 witnesses are to be examined and therefore, this Court may expedite the trial.

5. The investigation is complete and the charge-sheet is filed. The applicant was arrested on 02/10/2022 and is in custody for more than 1 year and 5 months as an undertrial. Though 7 witnesses are to be examined, the trial is likely to take some time to conclude. The applicant does not appear

to be a flight risk. Though there are criminal antecedents reported against the applicant, it should not be a factor to deprive the applicant facility of bail in the facts and circumstances of the present case. I am inclined to enlarge the applicant on bail, however, I propose to impose stringent conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Faruk Mannan Shaikh in connection with C.R. No.512 of 2022 registered with Trombay 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) Except for attending the trial in the present case and in the other criminal cases, the applicant shall not enter Mumbai/Mumbai Suburban District after being released on bail.
- (d) The applicant shall report to nearest police station close to his residence, while residing outside Mumbai/Mumbai Suburban District, once in a week, every Sunday, 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) While residing outside Mumbai/Mumbai Suburban District, the applicant shall furnish his contact number and residential address to the Investigating Officer as well as that of the nearest police station close to his residence, and shall keep him updated, in case there is any change.

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

(h) If any of the conditions are breached, the same shall be viewed seriously and may invite the consequence of cancellation of this bail.

6. The application is disposed of.

(M. S. KARNIK, J.)