



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.973 OF 2024**

Saddam Javed Shaikh
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Karim Pathan, for Applicant.
Mr. Shane Illahi, for complainant.
Mrs. Ranjana Humane, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 28 MARCH 2024

P.C.

1. Mentioned out of turn.
2. Heard the learned Counsel for the parties.
3. Learned Counsel for the Applicant and the first informant submit that the parties have amicably resolved the dispute and a Writ Petition has been filed for quashing of the subject FIR by consent.
4. Learned Counsel for the Intervener – first informant seeks leave to tender an affidavit of the first informant.
5. Leave granted.
6. Affidavit of the first informant is taken on record.
7. The applicant is arraigned in C.R.No.179 of 2024 registered with Sakinaka Police Station for the offences punishable under Sections 143, 147, 149, 323, 364A, 506(2) of the Indian Penal Code. The first informant lodged a report that on 21

January 2024 at the instance of Salman Shaikh - brother of the applicant, the applicant and co-accused had induced him to board a Creta car and took him to Bhiwandi. Few unknown persons were present thereat. They all assaulted him. They made him to pay Rs.1,30,000/-.

8. Learned Counsel for the Applicant submitted that there was a business transaction between the first informant and Salman, brother of the applicant. The first informant owed a sum of Rs.1,30,000/- to Salman. When the applicant insisted for repayment of the said amount, FIR came to be lodged.

9. In the affidavit filed by the first informant, it is inter alia averred as under :

“2. I say that admittedly me and the accused are having business relations since last few years, however there was issues over the outstanding bills between us, as such I had filed a FIR vide C.R.No.179 of 2024 registered at Sakinama Police Station for the offences punishable under Sections 143, 147, 149, 323, 364A, 506(2) of IPC against the applicant and other accused. Meantime, our common friends and business associates have mediated between us and as such on humanitarian grounds and for the sake of our past business relations, I have agreed to amicably settle the differences with each other.

3. I say that as such a criminal writ petition (st) no.6925 of 2024 is filed before the Hon'ble High Court for quashing of subject FIR on the settlement grounds. I have also executed a consent term with other accused and same is also filed in the said criminal Writ Petition.

4. I say that I have no objection if bail is granted to the present applicant since our differences and dispute is amicably resolved.”

10. Prima facie, from the perusal of the allegations in the FIR, it appears that the genesis of the occurrence is in a business transaction between the applicant's brother and the first informant. The parties seem to have amicably resolved the dispute and a petition for quashing of the FIR has also been filed.

11. In the aforesaid view of the matter, further detention of the applicant does not seem warranted.

12. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Saddam Javed Shaikh be released on bail in C.R.No.179 of 2024 registered with Sakinaka Police Station 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 before Sakinaka Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three 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) 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.

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

(vii) 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.)