



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

CRIMINAL APPEAL NO. 239 OF 2024

ALTAF MOHAMMED SHAIKH

..APPELLANT

VS.

THE STATE OF MAHARASHTRA AND ANR.

..RESPONDENTS

Adv. Ruby Shaikh a/w Adv. Imran Shaikh for the Appellant.

Adv. Samir A. Vaidya a/w Adv. Kaivalya Raul a/w Adv. Prathamesh Sarang a/w Adv. Rajesh Satpute a/w Adv. Sheetal Satpute for Respondent No.2.

Ms. Sangeeta D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 08, 2024

JUDGMENT:

1. In the earlier order dated 05/04/2024, the appearance of the advocate for the appellant is wrongly shown as "Adv. Sartaj Shaikh". The same is deleted and corrected to "Adv. Ruby Shaikh".
2. Heard learned counsel for the appellant, learned APP for the State and learned counsel for respondent No.2.
3. By this appeal, the appellant challenges the order dated 22/02/2024 passed by the learned trial Court rejecting the anticipatory bail application so far as the

present appellant is concerned.

4. The appellant was arraigned as an accused in C.R. No. 53 of 2024 dated 18/01/2024 registered with RCF Police Station, for the offence punishable under Sections 323, 504, 506(2) read with 34 of the Indian Penal Code, 186 and under Sections 3(1)(q), 3(1)(r), 3(1)(s), 3(1)(u), 3(1)(w) (i), 3(1)(z) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The appellant is accused No.1. The date and time of the alleged incident is 30/08/2023 at about 11.30 p.m. It is the case of the prosecution that the brother of the informant had heard a noise of quarrel. He noticed that some of the accused persons were quarrelling with unknown persons. The accused were under the influence of liquor. The informant's brother attempted to resolve the dispute. Two of the accused started abusing and beating the informant's brother with fists and blows. Other accused gathered and abused the informant's brother in the name of his caste. The present appellant is alleged to have abused the informant's brother in the name of caste and also in

filthy language. Even thereafter, there was an incident of abuse in the name of the caste by the present appellant.

6. Learned counsel for the appellant, on instructions, submitted that the appellant is willing to reside outside Mumbai/Mumbai Suburban district till the filing of the charge-sheet or as directed by this Court. Learned counsel for the informant/respondent No.2 submitted that the informant is facing threat perception from the appellant and other accused and has accordingly made an application to the Protection Branch for Police Protection. Learned APP on instructions submitted that the application made by the informant for protection was recently received and is under active consideration. The concerned branch is requested to decide the said application expeditiously.

7. Learned counsel for respondent No.2, on instructions, fairly submitted that should the appellant stay out of the jurisdiction of Mumbai/Mumbai Suburban district, he will leave it to the Court to pass appropriate orders on this appeal.

8. In this view of the matter, the appeal is allowed.

9. In the event arrest, the appellant- Altaf Mohammed Shaikh shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

10. Except for attending the trial and for the purpose of reporting to the Investigating Officer, the appellant shall stay outside the jurisdiction of the Mumbai/Mumbai Suburban district till the trial concludes. It is open for the appellant to make an appropriate application to the trial Court after the filing of the charge-sheet, for modification of this condition which shall be considered on its own merits and in accordance with law.

11. The appellant shall report to the Investigating Officer of RCF police station once in a month, on the first Monday of every month, between 11.00 a.m. and 1.00 p.m.

12. The appellant to furnish his contact number and residential address to the Investigating Officer, while residing out of Mumbai/Mumbai Suburban district and shall keep him updated, in case there is any change.

13. The appellant shall not contact, intimidate or threaten the informant and shall not tamper with the evidence.

14. If the appellant breaches any of the conditions, the same shall be viewed seriously and may also invite the consequence of cancellation of this bail.

15. The appeal is disposed of in the above terms.

(M. S. KARNIK, J.)