

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2054 OF 2024

Sahil Mukhtar Shaikh ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. S. K. Ali, a/w, Mr. Asif Ali, Shabi Fatma & Protibha Gupta, for the Applicant.

Ms. Ranjana Humane, APP, for the Respondent-State.

Ms. Asha Kadam, API, Trombay police station.

CORAM : N. J. JAMADAR, J.

DATE : 9th May, 2024

P.C.:

1. Heard the learned Counsel for the applicant and learned APP for the State.

2. This is an application for bail in C. R. No. 120 of 2024, registered with Trombay police station for the offences punishable under Section 307, 323, 504, 506(II), 120(B), 114 and 34 of the Indian Penal Code and read with Sections 4 and 25 of the Arms Act, 1959 and Sections 37 (1) (A) r/w 135 of Maharashtra Police Act.

3. The applicant is working in the garage of Arshad Shaikh. There were disputes between the first informant, his father and brother, on the one side, and Arshad Shaikh - A1, on the other side, over the alleged relationship outside marriage between Arshad Shaikh - A1 and the mother of the first informant. There have been quarrels between the parties over the said count. On 26th of March,

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2024, the applicant had allegedly called the first informant and his brother near Modi's Tea Stall to resolve the dispute. An altercation ensued. The applicant and the co-accused left the said spot. They returned to the said spot on two motorcycles. The applicant allegedly took out a sword and attempted to strike a blow on the first informant. Witness Shahid Siddiqui pushed the first informant aside. The applicant also attempted to strike a blow by means of sword on Sohel. However, no injury was caused to any person. As the other persons gathered at the spot, the applicant and the co-accused fled away.

4. The learned Counsel for the applicant submitted that neither the first informant, nor any other person has sustained an injury. On account of the strained relationship between the parties, the applicant has been falsely implicated.

5. The learned APP resisted the prayer for bail. It was submitted that but for intervention of witness Shahid siddiqui, the first informant could have sustained a fatal injury.

6. I have perused the allegations in the FIR. Prima facie, it appears that the first informant and his family, and Arshad Shaikh were on inimical terms on account of allegations of the relationship outside marriage between the first informants mother and Arshad Shaikh. There have been quarrels between the parties. Since

neither the first informant, nor any other person sustained any injury in the alleged occurrence, the veracity of the prosecution version would be required to be tested at the trial.

7. The applicant was arrested on 26th March, 2024. By this time, substantial progress in the investigation must have been made. Further detention of the applicant, therefore, seems to be unwarranted.

8. Hence the following order:

Order

- (i) The application stands allowed.
- (ii) The applicant be released on bail in C. R. No. 120 of 2024 registered with Trombay police station for the offences punishable under Section 370, 323, 504, 506(II), 120(B), 114 and 34 of the Indian Penal Code and read with Sections 4 and 25 of the Arms Act, 1959 and Sections 37 (1) (A) r/w 135 of Maharashtra Police Act, on furnishing a P.R. Bond in the sum of Rs. 30,000/- with one or two sureties in the like amount, to the satisfaction of the learned trial Court.
- (iii) The applicant shall mark his presence at Trombay Police Station on the first Monday of every month between 10.00 am to 12.00 noon for a period of

two years or till conclusion of trial, whichever is earlier.

(iv) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

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

(vi) Application stands disposed of.

(N. J. JAMADAR, J.)