

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2095 OF 2024

Shahrukh Chand Shaikh	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Rekha Musale, Advocate, for the Applicant.
Mr. Prasanna P. Malshe, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 10th MAY 2024

P.C.:

1. Heard Ms. Musale, learned Counsel for the Applicant and Mr. Malshe, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The Applicant is seeking regular bail in connection with C.R. No.59 of 2024 registered with the Bundgarden Police Station, Pune, for the offence punishable under Sections 367, 365, 342, 324, 143, 144, 147 and 149 of the *Indian Penal Code, 1860*.

3. It is the case of the prosecution that one Kais Shaikh and his friend Taj and 7 to 8 unknown persons accompanying him mercilessly assaulted the injured with fists and kick blows and with an iron rod.

4. The incident in question occurred on 27th February 2024 at 22:00 hours and F.I.R. was lodged on 28th February 2024 at 22:39 hours and the Applicant was arrested on 4th April 2024.

5. It is the contention of Ms. Musale, learned Counsel for the Applicant that the incident in question occurred at 'The New Poona Club' and that the Applicant is not seen in the C.C.T.V. footage thereof. She further submitted that the Applicant's involvement has been attributed on the basis of a C.C.T.V. footage from the 'National Hospital', Kondhwa and therefore, the Applicant was arrested in connection with the offence in question.

6. Mr. Malshe, learned APP strongly opposed the Bail Application. He submitted that the Applicant's involvement is visible in the C.C.T.V. footage showing that Accused persons from this case were carrying the Informant to the National Hospital,

Kondhwa. However, statements of witnesses also show the involvement of the Accused persons. He submitted that the investigation is in progress and that the Charge-sheet is yet to be filed. He contends that granting bail to the Applicant at this stage will hamper the investigation and the prosecution case.

7. Accordingly, no case is made out for granting bail.

8. The Bail Application is rejected.

9. The Applicant is at liberty to file a Bail Application before the learned Trial Court after filing of the Charge-sheet.

10. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]

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