



Diksha Rane

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

BAIL APPLICATION NO.2837 OF 2023

1. HARUN KHAN AYYUB KHAN @ YEDA
2. MUSHIR ALI NOOR ALI SAYYAD
3. SHAIKH SHEZAD @ SHAHAJAD HASAN
@ SAJID DUGGI ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Mahendra Sandhyanshiv for the applicants.
Mr. S. H. Yadav, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 21, 2024.

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.
2. This is an application for bail by three applicants i.e. accused nos.1, 2 and 3. There are in all six accused. Two of the accused have been enlarged on bail by this Court. Parity, however, may not be applicable.
3. The date of the incident is 14/12/2022. The First Information Report (FIR) No.256/2022 is dated 15/12/2022 for the offence punishable under Sections 307, 326, 143,

147, 148, 149, 452 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 37(1)(3) read with Section 135 of the Maharashtra Police Act read with Sections 4, 25 of the Arms Act registered with Pawarwadi Police Station, Malegaon. It is alleged that the present applicants who are armed with swords and knives assaulted the two injured witnesses.

4. Learned APP appearing for the State opposed the application for bail and submitted that there are several criminal antecedents reported against the applicants.

5. I have perused the injury certificates. One injury is simple in nature and other one is laceration on right wrist joint which injury is shown to be grievous in nature. So far as other injured witness is concerned, he has also suffered laceration on wrist joint (compound fracture) which is shown to be grievous in nature.

6. The applicants were arrested on different dates between 15/12/2022 and 17/12/2022. The applicants are now in custody for more than a year and two months. The investigation is complete. The charge-sheet has been filed. The applicants do not appear to be a flight risk. Looking at

the number of criminal antecedents registered against the applicants with the same police station, in my opinion, though the antecedents by themselves should not be a factor to deprive the bail to the applicants, however, stringent conditions need to be imposed considering the nature of the criminal antecedents. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicants 1) Harun Khan Ayyub Khan @ Yeda, 2) Mushir Ali Noor Ali Sayyad and 3) Shaikh Shezad @ Shahajad Shahid Hasan @ Sajid Duggi in connection with C.R. No. 256/2022 registered with Pawarwadi Police Station, Malegaon, District Nashik shall be released on bail on their furnishing P.R. Bonds of Rs.25,000/- each with one or more sureties each in the like amount.

(c) The applicant no.1 - Harun Khan Ayyub Khan @ Yeda, shall attend the Investigating Officer of Pawarwadi police station once in three months on the 1st Monday of the concerned month between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court, commencing from April, 2024.

(d) The applicant no.2 - Mushir Ali Noor Ali Sayyad shall attend the Investigating Officer of Pawarwadi police station once in three months on the 1st Wednesday of the concerned month between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court, commencing from April, 2024.

(e) The applicant no.3 - Shaikh Shezad @ Shahajad Shahid Hasan @ Sajid Duggi shall attend the Investigating Officer of Pawarwadi police station once in three months on the 1st Friday of the concerned month between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court, commencing from April, 2024.

(f) The applicants 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.

(g) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(h) Except for attending the trial in the present matter and in connection with other criminal cases and for the purpose of reporting to the Investigating

Officer, the applicants shall not enter Nashik District after being released on bail, till the trial concludes.

(i) The applicants shall give an intimation to the investigating officer before entering Nashik District for attending the trial on the dates fixed by the trial Court.

(j) The applicants shall attend the trial regularly.

(k) The applicants shall surrender their passports to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)