



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

BAIL APPLICATION NO. 3192 OF 2023

1] SHABBIR DAWOOD SHAIKH
2] SHAHRUKH DAWOOD SHAIKH ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Hasan Sayed i/b Adv. R.A. Shaikh for the Applicants.
Mr. S.H. Yadav, APP for the State.
PSI Vilas Surve, Deonar Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 01, 2024

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 307, 326, 506, 143, 147, 148, 149 and 34 of the Indian Penal Code (hereafter 'IPC' for short), Sections 4, 25 and 27 of the Arms Act and Sections 37(1)(a) and 135 of the Maharashtra Police Act registered on 27/02/2023 vide C.R. No.60 of 2023 with Deonar Police Station, Mumbai.

3. The date and time of the incident is 26/02/2023 at about 22.00 hrs. The First Information Report was registered on 27/02/2023. The present applicants were arrested on 27/02/2023. It is the case of the prosecution that the accused who are five in number assaulted the informant with a sword, knife and sharp-edged weapons. My attention is invited to the injury certificate which is at page No. 53 of the paperbook. The role attributed to applicant No.1 is of assaulting the victim with a knife on the back of his head. The injury inflicted on the victim by applicant No.1 is simple in nature. The role attributed to applicant No.2 is of assaulting the victim with a sword on his right hand.

4. Learned counsel for the applicants invited my attention to the medical certificate which is at page No. 148 of the paperbook indicating that even applicant No.1 has suffered as many as five injuries. The injuries are on the lower lip, right eye, occipital region and right-hand shoulder of applicant No.1. Applicant No.1 was examined on 27/02/2023 at about 2.05 a.m. and treated in the hospital on the same day.

5. Learned APP opposed the application and tendered a chart of the criminal antecedents reported against the applicants which is taken on record. It is submitted that there are two C.Rs. registered against applicant No.1. The first C.R. No. 418 of 2018 is registered under Sections 353, 323, 336, 427, 141, 142 and 143 of the IPC. The second C.R. No. 798 of 2021 is registered under Sections 324, 504 and 506 of the IPC. There are four C.Rs. registered against applicant No.2. The first C.R. No. 190 of 2014 is registered under Sections 324, 326, 504, 506(2) and 34 of the IPC. Second C.R. No. 418 of 2018 is registered under Sections 353, 332, 336, 427, 141, 142, 143, 147 and 149 of the IPC. The third C.R. No. 375 of 2018 is registered under Sections 326, 325, 323, 504 and 34 of the IPC and the fourth C.R. No. 365 of 2019 is registered under Sections 354, 323, 504, 506 and 34 of the IPC. It is further submitted that though the injury attributed by applicant No.1 is simply in nature, this in any case does not reduce the gravity of the offence.

6. The investigation is complete and the charge-sheet has been filed. The applicants are in pre-trial custody for more

than 1 year and 1 month. The trial is unlikely to conclude any time soon. The applicants, in my opinion, in the facts and circumstances of the present case, can be enlarged on bail but by imposing stringent conditions. Learned counsel for the applicants, on instruction, submitted that if bail is granted the applicants are willing to reside outside Mumbai/Mumbai Suburban till the conclusion of the trial. The statement is accepted. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shabbir Dawood Shaikh and Shahrukh Dawood Shaikh in connection with C.R. No.60 of 2023 registered with Deonar Police Station shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties each in the like amount.
- (c) Except for attending trial in the present case and other cases, the applicants shall not enter Mumbai/ Mumbai Suburban after being released on bail, till the trial in the present case concludes.
- (d) While residing outside Mumbai/Mumbai Suburban, the applicants shall report to the Police Station nearest to their place of residence, twice a month, on the first

and third Monday of every month, between 11.00 a.m. and 1.00 p.m.

(e) 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 applicants shall not tamper with evidence.

(f) 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.

(g) The applicants shall attend the trial regularly. The applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)