



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4261 OF 2023**

Sahil Sahid Khan @ Shaikh
versus
State of Maharashtra

... Applicant
... Respondent

Mr. Harshal Meshram, for Applicant.
Mr. S.R.Agarkar, APP for State.
Mr. H.T.Kedari, PSI, RCF Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 8 JANUARY 2024

P.C.

1. This is an application for bail in connection with C.R.No.136 of 2023 registered with RCF Police Station, Mumbai for the offences punishable under Sections 307, 326, 341, 323, 504 read with Section 34 of the Indian Penal Code.
2. The first informant lodged a report with the allegations that on 3 March 2023 at about 11.30 p.m., in front of Ramji Dairy, the applicant and the co-accused accosted him and the applicant assaulted and abused him by means of fist and kick blows. The applicant thereafter allegedly took out a sharp weapon and gave a blow on the chest of the first informant.
3. Learned Counsel for the Applicant submitted that the applicant has been in custody since 4 March 2023. Investigation is complete. The weapon of assault has been recovered. It is further submitted that the offence punishable under Section 307

of IPC cannot be said to have been prima facie made out.

4. Learned APP resisted the application. It was urged that there is direct evidence against the applicant. Moreover, there are antecedents of the applicant which indicate that the applicant has been indulging in bodily offences. The weapon of offence has been recovered pursuant to the discovery made by the applicant.

5. Perused the allegations in the FIR and the injury certificate. Prima facie, the incident seems to have occurred at the spur of the moment during the course of altercation. Element of pre-meditation, prima facie, seems to be absent. There is a single injury. It appears that during the course of investigation, the weapon of offences has been recovered pursuant to the disclosure made by the applicant. The investigation seems to be complete for all intent and purpose. The applicant has been in custody for more than 9 months. The apprehension on the part of the prosecution, especially the threat arising out of the antecedents of the applicant can be taken care of by imposing stringent conditions.

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Sahil Sahid Khan @ Shaikh be released on bail in C.R.No.136 of 2023 registered with RCF Police Station, on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the learned Sessions Judge.

(iii) The Applicant shall stay away from the limits of RCF and Chembur Police Station for a period of two years or till the framing of the charge, whichever is earlier.

(iv) The applicant shall mark his presence before the concerned police station on first Saturday in between 11 am to 1 pm till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.

(v) The applicant shall not tamper with the prosecution evidence. The applicant 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.

(v) On being released on bail, the applicant shall furnish his contact number and alternate residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations hereinabove are confined to the consideration of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant.

Application disposed.

(N.J.JAMADAR, J.)