

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1274 OF 2024

Mausam Shaikh Ahmed Shaikh ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Gautam T. Kanchanpurkar, Advocate for Applicant

Ms Savita M. Yadav, APP for the State.

PSI Pradeep Bodade, Safala P.S., Dist. Palghar

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 22, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.104 of 2022, registered with Safala Police Station, District: Palghar for the offences punishable under Sections 307, 504 and 506 of the Indian Penal Code, 1860.
3. The applicant is in jail from last about two years and in the meantime, on completion of the investigation, charge-sheet has been filed. Two injuries were found on the person of the victim which were caused by a sharp weapon. It is alleged that the applicant assaulted the victim by knife.

4. It is pointed out by the learned APP, while opposing the present application, that there is one antecedent against the applicant under Section 326 of the Indian Penal Code. In reply, the learned counsel for the applicant points out that the applicant is acquitted in the said offence.
5. Thus, considering the nature of the allegations against the applicant and the evidence collected by the I.O. during the investigation, I am of the opinion that since the charge-sheet has been filed, further custody of the applicant is not necessary.
6. However, at this stage, the learned APP expressed an apprehension that if the applicant is released on bail he may pressurize the prosecution witnesses. Thereupon, the learned counsel for the applicant states that the applicant is ready to abide by any conditions, including not to enter into the territorial jurisdiction of Safala Police Station, District : Palghar.
7. Accordingly, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.104 of 2022, registered with Safala Police Station, District: Palghar for the offences punishable under Sections 307, 504 and 506 of the Indian Penal Code, 1860, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;

- iii) The applicant shall not enter the territorial jurisdiction of Safala Police Station, District : Palghar till conclusion of the trial, except for attending the trial.
- iv) The applicant shall provide his address and name of the nearby Police Station to the I.O., which he shall attend on first and sixteenth day of each month between 10:00 am and 11:00 am, till conclusion of the trial, except on the date of the trial.
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)