

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2037 OF 2024**

Abu Sufiyan Murtuza Shaikh

Anas Abu Sufiyan Shaikh

... Applicants

versus

The Sr. Inspector of Police and Anr.

... Respondents

Mr. Sharif Shaikh, for Applicant.

Mr. Tanveer G. Khan, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 9 MAY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicants, who are arraigned in C.R.No.527 of 2024 registered with Bhiwandi Police Station for the offences punishable under Sections 395, 397 of the Indian Penal Code, have preferred this application to enlarge them on bail.
3. Sahil Mohammed Jatu, first informant, lodged a report to the effect that on 13 April 2024 at about 11.30 p.m., two boys were making fun of each other by throwing soil. Salman and two other persons scolded those boys. When the first informant questioned as to why they were scolding the boys, the applicants and co-accused came thereat armed with cricket bat and stump and started to abuse and assault the first informant. Mohd. Ali, friend of the first inofrmant, came to his rescue. The applicant and the co-accused also assaulted him by means of sticks and fist and kick blows. Harun Khan, co-accused allegedly took out iron nuckles and gave

a blow on the face of Mohd. Ali. He was also robbed of wrist watch, gold chain and cash; the stolen property aggregated to Rs.1,90,000/-.

4. Learned Counsel for the applicant submitted that the incident had occurred over a trivial issue of altercation between two small boys. In respect of the very same occurrence, Hanjala Jamshed Shaikh (A1) has lodged a report being FIR No.526 of 2024 for the offences punishable under Sections 395, 452, 427 of IPC. The parties have amicably resolved the dispute. Sameer @ Sahil Mohammed Abid Jatu, the first informant, and Mohammed Ali Zakir Hussain Malwan, the injured, have filed affidavits giving consent to grant bail to the applicants.

5. Perused the FIR and the material on record, as well as the affidavits of Sameer @ Sahil Mohammed Abid Jatu, the first informant, and Mohammed Ali Zakir Hussain Malwan, the injured. It appears that in respect of the one and the same occurrence, two versions have been reported. It appeared to be a case of a free fight. The parties seem to have resolved the dispute. The first informant and the injured have given consent to grant bail to the applicant.

6. In the aforesaid view of the matter, further detention of the applicants does not seem warranted. I am, therefore, inclined to allow the application.

7. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicants – Abu Sufiyan Murtuza Shaikh and Anas Abu Sufiyan Shaikh be released on bail in C.R.No.527 of 2024 registered with Bhiwandi Police Station on furnishing a PR bond in the sum of Rs.30,000/- each, and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicants shall mark their presence before Bhiwandi Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial, whichever is earlier.

(iv) The applicants shall not tamper with the prosecution evidence. 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.

(v) 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.

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

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations

made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)