

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1430 OF 2025

Mehsar Mohammed Kausar Shaikh .. Applicant
Versus
State of Maharashtra .. Respondent

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- Mr. Karim Pathan a/w Mr. Tabish Shaikh for Applicant
 - Mr. Hitendra J. Dedhia, APP for Respondent - State
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 9, 2025

P. C.:

1. Heard Mr. Pathan, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent - State.

2. Applicant - accused has filed the present Application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 (for short, "**Cr.P.C.**") in connection with C.R. No. 99/2024 registered with Shahunagar Police Station for the offences punishable under Sections 307, 504 & 506 of the Indian Penal Code, 1860 (for short, "**IPC**").

3. Applicant is a young offender of 22 years old. He is indicted and arrested in the present crime for having injured his friend i.e. victim - first informant by a surgical blade during a scuffle and skirmish which was preceded by a precursor incident. *Prima facie* it is seen that Applicant kicked the Activa motorcycle belonging to the first informant - injured victim which was objected to by him. When the

first informant confronted with the Applicant, verbal altercation escalated into the fist fight leading to Applicant using the surgical blade for inflicting the blow on the victim and injuring him. Medical certificate appended at page No. 45 of the application *prima facie* shows that the injury is simple in nature.

4. Considering the overall facts of the case and after hearing learned Advocates and appreciating *prima facie* material on record as also incarceration of the Applicant since 28.03.2024, I am inclined to release the Applicant on bail. Hence, Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;
- (iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;
- (iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark

his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

- (v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;
- (vi) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (vii) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner; and
- (viii) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

5. It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being

uninfluenced with any of the *prima facie* observations made herein above in this order.

6. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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