

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2401 OF 2025**

Dastagir Shaikh @ Chintu s/o Mohammed
Shaikh

...Applicant

Versus

State of Maharashtra

...Respondent

**Mr Shaikh Abdul Kalam and Vaishali Sawant, for the
Applicant.**

Ms Anuja Sunil Gotad, APP for the Respondent-State.

**Mr Kishor Desai (Pairavi), PSI attached to Dindoshi Police
Station present.**

**CORAM DR. NEELA GOKHALE, J.
DATED: 29th SEPTEMBER 2025**

PC:-

1. The Applicant seeks his release on bail in connection with the FIR No.216 of 2020 dated 5th June 2020 registered with the Dindoshi Police Station, Mumbai for the offences punishable under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC').

2. On 4th June 2020, the First Informant was chatting with another friend, namely, Dinesh Sahoo @ Bhola in his house. There was a quarrel between the co-accused Omprakash Mishra @ Dabbu and Bhola pertaining to a previous accident of the motor-cycle belonging to Dabbu. A quarrel ensued between all these friends, including the Applicant herein regarding the said accident. The quarrel led to a scuffle, which in turn, resulted in a physical altercation between all the friends. Suddenly, co-accused Dabbu caught hold of Bhola's hands and pinned them behind his back. The present Applicant took out a knife from his pocket and stabbed Bhola in his stomach. Bhola was injured. The First Informant namely, Mintu tried to resolve the quarrel. The Applicant stabbed the First Informant, as well. Both Mintu and Bhola were injured and were given medical treatment. It is alleged that they suffered grievous hurt and hence, the FIR was registered.

3. Both the co-accused made successive bail applications before the Trial Court. By an order dated 11th September 2023, the bail application of the co-accused, Dabbu was allowed while the bail application of the present Applicant was rejected by an order dated 25th April 2025. Hence, the Applicant has filed the present Bail Application for the reliefs as prayed.

4. Mr. Kalam Shaikh, learned Advocate appearing for the Applicant, submits that the Applicant is in custody since 15th June 2020 and although charges are framed one year ago, witnesses have not appeared before the Trial Court. He also submits that there is parity between the co-accused Dabbu and the present Applicant as the role attributed to Dabbu is similar to that of the present Applicant. He thus, submits that the Application be allowed and the Applicant be enlarged on bail.

5. Per contra, Ms. Anuja Gotad, learned APP representing the State, submits that the principle of parity will not apply in

the present case since the role attributed to the two accused is quite distinct. Co-accused Dabbu has only caught the injured person while it is this Applicant, who removed knife from his pocket and stabbed him. She submits that since the trial has commenced, there is no reason to entertain the bail application at this stage. She also submits that there is an eye witnesses of the said incident. She thus, prays that bail application be rejected.

6. I have heard both the counsel and perused the record with their assistance.

7. A plain reading of the FIR indicates that there was a free fight between the friends *inter-se* and it is out of the ensuing physical altercation that the present Applicant committed the alleged offence. Although the role of the Applicant and the co-accused Dabbu is distinct in the sense that it is the co-accused, who held on to the injured First Informant and the present Applicant stabbed him, the entire sequence of events indicate that there is a coordinated act on the part of both the

Applicant and the co-accused. Furthermore, paragraph 5 of the order dated 11th September 2023 passed by the Trial Court, granting bail to co-accused–Dabbu, records an affidavit of the Complainant averring that he has no objection in granting bail to Dabbu since the the friends have settled the matter between themselves. Even in the order dated 25th April 2025, rejecting bail application of the present Applicant, the Trial Court in paragraph 6 of the order has recorded the same observation. Despite recording this statement of the Complainant in both the orders, the trial Court rejected the bail application of the present Applicant while allowing the bail application of the co-accused, Dabbu.

8. Admittedly, the Applicant has suffered incarceration for as many as 5 years and 4 months and the trial has not substantially progressed. Considering the totality of the circumstances, I am inclined to grant bail to the Applicant and it is ordered as under:

ORDER

i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/ with one or two local sureties in the like amount;

ii) The Applicant is directed to furnish provisional cash bail of Rs.15,000/- for his release immediately and file an undertaking that he will provide one or two sureties in the like amount of Rs.15,000/- within a period of four weeks after his release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed.

iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) The Applicant shall also attend the Dindoshi Police Station once in a month, on the First Saturday

of every month between 11:00 a.m. to 02:00 p.m. till the charges are framed;

v) The Applicant shall not enter the jurisdiction of the Goregaon Police Station, till the eye witnesses are examined, save and except only to attend the Police Station and the Trial Court as stipulated as conditions of this order;

vi) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;

vii) The Applicant shall not leave India, without the permission of the Trial Court;

viii) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

ix) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

x) The Applicant to co-operate with the conduct of the trial;

xi) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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signed by
SHAMBHAVI
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SHIVGAN
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