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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 3367 OF 2025

Mohsin Rahim Shaikh

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. Veerdhawal Deshmukh, Advocate for Applicant.
- Ms.Megha S. Bajoria, APP for Respondent-State.
- PSI- Mr.Mahesh Chavan, Wagle Estate Police Station, Thane, present.

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CORAM : DR.NEELA GOKHALE, J.

DATE : OCTOBER 3, 2025

P. C.:

1. The Applicant seeks his release on bail in connection with FIR No. 1224 of 2024 dated 14/12/2024 registered with Wagle Estate Police Station, District-Thane for the offences punishable under Sections 109, 76, 115(2), 3(5) of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959, Section 7 of the Criminal Law Amendment Act, 1932 and under Sections 37(1), 135 of the Maharashtra Police Act, 1951.

2. The case of the prosecution in brief is that on 13/12/2024 at around 8.00 p.m. when first informant was standing near the

shop of her son who was selling Shawarma, the Applicant came along with his friends and asked Shawarma from the informant's son. When informant's son asked the Applicant to pay 60/- for the same, the Applicant was angry and started arguing with the first informant's son. An altercation ensued in a bid to and in the course of the said scuffle, there were heated arguments that took place between the first informant, her son on one hand and the Applicant and other friends on the other hand. In the ensuing situation, the Applicant lost his temper and brought a sword from his house. He attacked the first informant who in a bid to save herself, raised her hand. The sword thus cut a laceration across the palm and she was seriously injured. The other accused pulled her saree and blouse and there were allegations of molestation of the first informant. In these circumstances, the FIR was registered. The Applicant made a Bail Application before the Additional Sessions Judge, Thane, but by order dated 04/08/2025, the said Bail Application was rejected.

3. Mr. Veerdhawal Deshmukh, learned Advocate appearing for the Applicant submits that the Applicant was arrested on 14/12/2024 and the charges are not framed as yet. He points

out the medical certificate wherein initially, only simple injuries were recorded, but thereafter the same was scratched and it was turned into grievous injury. He submits that there is some discrepancy in the medical certificate. He thus submits that the trial is not likely to be concluded in the near future and the Applicant being 28 years of age, be granted bail.

4. Ms. Megha Bajoria, learned APP representing the State points to the CCTV footage panchama which clearly records the entire incident as it took place. The CCTV footage reveals the Applicant running towards the first informant with a sword. She also points to the medical certificate which clearly records the injury to be grievous. She also states that the sword is also recovered at the instance of the Applicant. She further submits that the Applicant has two antecedents of similar offence and hence, his Application be rejected.

5. Countering the submissions of Ms. Bajoria, Mr. Deshmukh, learned counsel for the Applicant submits that the antecedents against the Applicant included an FIR which is filed as counterblast to FIR filed by him against the complainant therein. Second antecedent according to Mr. Deshmukh relates to FIR for

the offences punishable under Sections 323, 324 of IPC wherein it is alleged that the scuffle between the Applicant and another person was by hand. He submits that the Applicant thus deserves to be enlarged on bail. He also submits that stringent conditions on the Applicant be imposed.

6. I have heard learned counsel for the parties and perused the record with their assistance. Admittedly, there is CCTV footage revealing the Applicant running towards the first informant with a sword. There is some overwriting in the medical report. I have perused the order of the Sessions Court dated 04/08/2025 rejecting bail to the Applicant. Paragraph 8 of the order notes that the incidence of dispute arose on payment of Rs.60/- for consumption of Shawarma and that upon interference of female, she came to be molested and her saree and blouse were torn. The said order also notes that a threat was given by the Applicant by showing a sword in his hand. On this basis that the Additional Sessions Judge rejected the Bail Application of the Applicant. The role attributed the Applicant is of attacking the first informant and injuring her palm. The act of attempting to disrobe the first informant and molesting her is attributed to the

co-accused. The co-accused is granted bail by the trial Court. Moreover, the Applicant has suffered incarceration of about 10 months and the charges are not framed as yet. In these 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.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the concerned Police Station once in a month between 11:00 a.m. to 02:00 p.m. and also Trial Court. Save and except to attend Police Station as per this order as well as to attend the Trial Court, the Applicant shall not enter the Thane District.

- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station;
- v) The Applicant shall not leave India, without the permission of the Trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vii) The Applicant shall inform his latest place of residence and mobile contact 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;
- viii) The Applicant to co-operate with the conduct of the trial;
- ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

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

8. 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.]