

VRJ

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

BAIL APPLICATION NO.4586 OF 2024

Farooque Haroon Shaikh	... Applicant
V/s.	
The State of Maharashtra	... Respondent

**WITH
INTERIM APPLICATION NO.2399 OF 2025
IN
BAIL APPLICATION NO.4586 OF 2024**

Amin Mohammed Sayyad	... Intervener
In the matter between	
Farooque Haroon Shaikh	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Shabnam Shaikh with Mushahid Khan for the applicant.

Mr. Nitesh P. Zatte for the intervener.

Mr. Sagar R. Agarkar, APP for the State.

Mr. Kishor Desai, PSI (Pairavi), Dindoshi Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 16, 2025

P.C.:

1. By the present application filed under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 (which corresponds to Section 439 of the Criminal Procedure Code, 1973), the applicant is seeking regular bail in connection with Crime No. 488 of 2024,

registered with Dindoshi Police Station, for the offences punishable under Sections 307 (attempt to murder), 324 (voluntarily causing hurt by dangerous weapons or means), 504 (intentional insult with intent to provoke breach of peace), and 506(2) (criminal intimidation with threat to cause death or grievous hurt) of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the incident occurred near Building Nos.16 and 27 of the Shivshahi Project at Goregaon (East), Mumbai, where the complainant resides. These two buildings are situated adjacent to each other. Some construction material like sand and blocks was lying between the buildings, causing obstruction in the passage. On 24th May 2024, at around 3:00 p.m., the complainant noticed that the sand had still not been removed. Later, at around 6:00 p.m., while he was standing near his shop, he saw one Altaf standing opposite Building No. 27. The complainant asked Altaf to remove the sand lying in front of the shop. At that point, the present applicant, Farooque, came there, picked a quarrel with the complainant, and told him bluntly that the sand would not be removed. He allegedly caught the complainant by his collar and started abusing him.

3. During this scuffle, the complainant's brother, Jafar, came to intervene. It is alleged that Farooque then threatened Jafar with a knife. He then assaulted the complainant using that knife. When the complainant tried to shield himself, he sustained injuries on his chest and stomach. At that time, the complainant's younger brother, Usman, also reached the spot. The applicant is alleged to have threatened Usman with the same knife, and in the process,

Usman suffered injuries on his right hand. Some local residents intervened and stopped the fight. Thereafter, the complainant proceeded to the police station and filed a formal complaint.

4. The learned advocate for the applicant has contended that the injuries sustained by the complainant are simple in nature and not grievous. It is submitted that the role of the applicant is not conclusively established by the statements of the witnesses. Except for the version of the complainant himself, the statements of other witnesses allegedly suggest that it was Usman, the complainant's younger brother, who had actually picked up the knife. The learned counsel has also pointed out that the applicant has no previous criminal antecedents. He was arrested on 25th May 2024 and has been in custody since then. Considering the stage of trial, it is unlikely to be concluded in the near future. Hence, a request is made for his release on bail.

5. On the other hand, the learned Additional Public Prosecutor, appearing for the State, along with the learned counsel appointed for the victim, has opposed the bail application. They argue that the nature of the injuries is not the only factor to be considered. The manner in which the assault took place, along with the use of a deadly weapon like a knife and the targeting of vital parts of the body such as the chest and stomach, clearly shows that the intention to cause death can be inferred. Therefore, the offence squarely attracts the ingredients of Section 307 of the Indian Penal Code. It is submitted that granting bail at this stage may adversely affect the course of justice, and hence, the application deserves to be rejected.

6. I have carefully considered the submissions advanced by the learned advocates for both sides and perused the material placed on record. The FIR and statements of witnesses show that the incident arose out of a sudden quarrel between neighbours over the issue of obstruction caused by construction material. The alleged incident appears to be an outcome of a heated verbal exchange that escalated into a physical altercation.

7. While the FIR attributes specific overt acts to the applicant, including use of a knife, it is not clear beyond doubt whether the knife was taken by the applicant or by some other person. The injury certificate on record indicates that the injuries suffered by the complainant and his brother Usman, though not trivial, have not been certified as grievous in nature. There is no medical opinion brought on record at this stage suggesting that the injuries were life-threatening or inflicted with the clear intention to cause death.

8. Furthermore, the applicant has no past criminal record. He has been in custody since 25th May 2024, and the charge-sheet has been filed. The trial is likely to take considerable time. No material is shown to suggest that the applicant may abscond, tamper with prosecution evidence, or influence witnesses if released on bail. The incident appears to have stemmed from a neighbourhood dispute rather than a premeditated or planned act. In such a situation, continued incarceration would serve no useful purpose.

9. It is well-settled that bail is the rule and jail is the exception,

particularly when the trial is likely to take time and the accused is not a flight risk. The Supreme Court has time and again emphasized that personal liberty cannot be curtailed unnecessarily, especially when the investigation is complete and the accused is ready to face trial. Reference may be made to the observations of the Hon'ble Apex Court in *Satender Kumar Antil v. CBI*, (2022) 10 SCC 51, wherein the Court has reiterated the principles governing grant of bail after filing of the charge-sheet.

10. In view of the above discussion and keeping in mind the nature of the dispute, absence of antecedents, and prolonged trial, I am of the considered opinion that the applicant deserves to be released on bail, subject to appropriate conditions.

11. Hence, the following order is passed.

- i) The bail application is allowed;
- ii) The applicant Farooque Haroon Shaikh is directed to be released on regular bail in connection with Crime No.488 of 2024 registered with Dindoshi Police Station for offences punishable under Sections 307, 324, 504, and 506(2) of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall report the Dindoshi Police Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.

- b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
- 4. The bail application is allowed and disposed of.
 - 5. The interim application stands disposed.

(AMIT BORKAR, J.)