

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 1312 OF 2017**

Abdul Gaffar Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Fauzan Shaikh i/b Mr. Faisal Vora for the Applicant

Mr. M. G. Patil, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE, J.**  
**THURSDAY, 31<sup>st</sup> AUGUST, 2017**

**P.C. :**

1. Heard learned Counsel for the parties.
  
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 14 of 2017 registered with the Malabar Hill Police Station, Mumbai, for the alleged offences punishable under Sections 307, 326, 324 and 504 of the Indian Penal Code.
  
3. Learned Counsel for the applicant submits that the incident has taken place at the spur of the moment and that there was no intention to cause the alleged offence. He submits that investigation is complete and charge-sheet is filed.

4. Learned A.P.P opposed the bail application.

5. Perused the papers. The incident took place on 25<sup>th</sup> January, 2017 at about 5:15 p.m., when the driver of motor vehicle No. MH-02-CR-9120 dashed the motor vehicle of the first informant bearing No. MH-01-BY-6167. It appears that due to the dash, some quarrel took place between the two drivers. The Traffic Police intervened in the said quarrel and asked the first informant as to whether he wanted to lodge a complaint, to which, the first informant replied that he would consult his Master and thereafter, stated that he did not want to lodge a complaint. Thereafter, the applicant, who gave the dash went away and the first informant started proceeding towards his car. It is alleged that at that time, the applicant came there, abused the first informant and pulled out an iron tommy from the car and assaulted the first informant on his head, resulting in a bleeding injury. Pursuant thereto, the first informant lodged a complaint/FIR alleging offences punishable under Sections 326, 324 and 504 of the Indian Penal Code. It appears that subsequently Section 307 was added. The injury certificate shows that the first informant-Pushparaj Rajendra Singh had

received injuries on his left eye-brow and second digit of left hand. On conducting a CT-Scan, comminuted fracture involving anterior wall of the frontal sinus on left side was seen. There was also a fracture of left middle finger and fracture of orbital (eye) bone. No doubt, the complaint shows that the applicant assaulted the first informant on his head with an iron tommy, however, it appears that the incident took place on the spur of the moment. The applicant is in custody since January, 2017. Investigation is complete and charge-sheet is filed. The applicant has no antecedents. Hence, continued detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

**ORDER**

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two local solvent sureties in the like amount;
- (ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iii) The applicant shall inform his latest place of residence and mobile contact number 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;

(iv) The applicant to cooperate with the conduct of the trial.

6. The application is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**