



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2458 OF 2023

Sultan @ Tippy Latif Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

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Ms.Sana Raees Khan a/w Mr.Aditya Parmar and Ms.Ruchita Rajpurohit,
Ms.Sneha Mishra, Advocate for the Applicant.

Mr.Shrikant H. Yadav, A.P.P. for the Respondent – State.

A.P.I. Mr.Kadam and A.S.I. Mr. Kale, Bund Garden Police Station, Pune
City, present.

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CORAM : N. R. BORKAR, J.
DATE : 6th MAY, 2024.

P.C.:

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No.89 of 2021 registered at Bund Garden Police Station, Pune for the offences punishable under Sections 307, 323, 504, 506, 141, 143, 147, 148, 188, 269 of the Indian Penal Code and Section 4(25) of Arms Act, Section 37(1) read with 135 of Maharashtra Police Act, Section 3 Epidemic Act and Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act (MCOCA Act).

3. I have heard the learned counsel for the applicant and the learned APP for the respondent/ State

4. According to the prosecution, on 9th April 2021, the present applicant and other co-accused assaulted the injured by sword, sickle, bamboo sticks etc. due to previous enmity and attempted to commit his murder. It is alleged that the crime was committed by the organized crime syndicate formed by the applicant.

5. I have perused the injury certificate of injured Gaurav Pujari. There are only four injuries, i.e., (i) blunt trauma; (ii) contusion (iii) abrasions and (iv) blunt trauma.

6. *Prima facie*, it is unlikely that the injured would sustain only one grievous injury in an assault by 11 persons that too by sword, koyta, stick etc..

7. The learned APP submits that the applicant is a gang leader. However, considering the overall facts and circumstances of the case and as the applicant is in jail for about three years, I am inclined to release him on bail. In the result, the following order is passed.

ORDER

(i) Criminal Bail Application is allowed and disposed of;

(ii) The applicant be released on bail in C.R. No.89 of 2021 registered at Bund Garden Police Station, Pune for the offences punishable under Sections 307, 323, 504, 506, 141, 143, 147, 148, 188, 269 of the Indian Penal Code and Section

4(25) of Arms Act, Section 37(1) read with 135 of Maharashtra Police Act, Section 3 Epidemic Act and Section 3(1)(ii), 3(2), 3(4) of the MCOC Act on furnishing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount;

(iii) The applicant shall not enter into the limits of Pune district except to attend the dates before the trial Court till conclusion of trial;

(iv) The applicant shall furnish his residential address and his mobile number, if any, to Bund Garden Police Station, Pune;

(v) The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release once in a week, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N. R. BORKAR, J.)