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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.379 OF 2015

Mohammed Aafaque Mansoorali Shaikh ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.Imtiyaz I. Patel, for the Applicant.
Ms.S.S.Kaushik, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.
DATED : 17th MARCH, 2015.

PC.

1. Heard learned counsel for the applicant and the learned APP
for the Respondent – State.

2. By this application, the applicant seeks pre-arrest bail in
connection with C.R. no.54 of 2015 registered with the Shivaji Nagar
Police Station, Mumbai, for the alleged offences punishable under
Sections 326, 323, 504, 34 of the Indian Penal Code.

3. The incident in question has taken place on 26th January,
2015 at about 12 noon. With regard to the same incident the applicant

had lodged a complaint which has been registered vide C.R.No.79 of 2015, alleging offences punishable under Sections 324, 323, 504, 506(2), 34 of the Indian Penal Code as against the complainant and others. From the perusal of the FIR and the statement of the witnesses it appears that the incident had taken place pursuant to an altercation at the spur of the moment.

4. Perused the injury certificate. The applicant's father had been arrested in connection with the said C.R. no.54 of 2015 registered with the Shivaji Nagar Police Station, Mumbai, and was released on regular bail after one month. The eye-witnesses do not mention that the applicant had assaulted with a knife.

5. Considering the nature of allegations and the fact that the applicant is a 19 years boy studying in 12th Standard, the applicant deserves to be granted pre-arrest bail on the following terms and conditions :

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of

Rs.15,000/- with one or two sureties in the like amount ;

- ii) The Applicant shall attend the Shivaji Nagar Police Station, Mumbai, on every Sunday between 10.00 a.m to 11.00 a.m., till the filing of the charge-sheet;
- iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
- iv) The Applicant shall co-operate with the Investigating Agency.

- 6. The Application is allowed and disposed of in above terms.
- 7. Needless to observe that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.
- 8. Parties to act upon the authenticated copy of this order.

(REVATI MOHITE DERE, J.)