

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1011 OF 2015

Mohd. Mujibur Rehman AnsariApplicant

V/s.

The State of MaharashtraRespondent

Mr. Mohd. Saeed Asgar Moghul for Applicant

Ms. Rutuja Ambekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : AUGUST 4, 2015.

PC :

Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 378 of 2015 registered at Malwani Police Station on 25/06/2014 for offence punishable under section 307 r/w 34 and section 504 of Indian Penal Code.

2) It is the case of prosecution that on 25/06/2014, Rais Siddiquie had gone to the police station in an injured condition as he had sustained burn injuries on his back. He had informed the police that present applicant and his brother had thrown hot boiling oil on his back when he had gone for seeking transfer of vehicle ie. motorbike for which complainant had paid a consideration of Rs. 54,000/- That complainant was insisting upon the applicant and his brothers to give a clear title in respect of transfer of the said

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motor bike which he refused to furnish. On the day of incident, complainant had gone to the stall of the applicant. Applicant runs a juice centre. Next to the juice centre is the Wada Pav centre. According to the complainant, being enraged with him, applicants had thrown oil from the frying pan of the Wada Pav centre.

3) Learned counsel for the applicant submits that there was an altercation and at that time, accidentally, complainant had fallen on said frying pan.

4) Be that as it may, applicant does not have criminal antecedents. It appears that incident occurred on the spur of moment. Matter is under investigation. Brother of the applicant is arrested and is still in custody. Co-accused shall not take advantage of the relief granted to the present applicant under section 438 of Code of Criminal Procedure, 1973 and his application be decided on its own merits.

ORDER

(i) Application is allowed.

(ii) In the event of arrest, 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.

- (iii) Applicant shall report to concerned police station from 07/08/2015 to 12/08/2015 between 10.00 a.m. to 01.00 p.m. and co-operate with the investigating agency.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)