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

ANTICIPATORY BAIL APPLICATION NO.1287 OF 2015

Shabbir Hussain Mohammad Shakil Khan	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.A.A.Siddiquie, for the Applicant.

Ms.Rutuja Ambekar, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE, J.
DATE : 31st AUGUST, 2015**

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.
2. By this Application, the Applicant seeks pre-arrest bail, in connection with C.R. No.193 of 2015, registered with the Shivaji Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The incident in question has taken place on 8th April, 2015. According to the prosecution, a fight took place on 7th April, 2015 between one Rizwan Mazid Khan – original accused no.1 and the present complainant in which Rizwan sustained an injury. The complainant – Mohammad Khan has alleged that being enraged by the same, the original accused no.1 – Rizwan Mazid Khan assaulted the complainant with a sword like weapon on 8th April, 2015. It is alleged that Rizwan was accompanied by two persons who assaulted the complainant with fists and kick blows.

4. Learned Counsel for the Applicant submitted that the complaint/FIR was lodged on 8th April, 2015 and the applicant has not been named in the FIR. He submitted that subsequently in the Supplementary Statement recorded on 21st May, 2015 the complainant had disclosed the name of the present applicant stating that the said person has assaulted him with fists and kick blows on 8th April, 2015.

5. Learned APP opposed the present application.

6. Perused the papers including the FIR and the supplementary

statement dated 21st May, 2015. From a perusal of the supplementary statement dated 21st May, 2015, it is evident that the present applicant was known to the complainant and hence his name ought to have found place in the FIR which was lodged on 8th April, 2015. Even otherwise the applicant is alleged to have assaulted the complainant with fists and kick blows.

7. Considering the nature of allegations and the material on record, the applicant is granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of 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 inform his latest place of residence and mobile contact number immediately after being released 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 Shivaji Nagar Police Station, Mumbai ;

- 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 in the conduct of the trial.
8. The Application is allowed and disposed of in above terms.
9. It is made clear, that the observations made herein are prima facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.