

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

ANTICIPATORY BAIL APPLICATION NO.26 OF 2016

Afzal Salim Shaikh and ors.Applicant.
Vs.

The State of Maharashtra.Respondent.

Mr.Ramesh Mishra for the Applicant.
Smt.S.S.Kaushik,APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 08TH FEBRUARY, 2016.

PC:

The applicants are apprehending arrest in CR No.806/2015 registered with D.N.Nagar Police Station, Mumbai under Sections 321,323,504, 506 (II) read with 34 of the I.P.C. and under Section 3(25)of the Arms Act.

2) The first information report dated 23.12.2015 is lodged by Mr. Kamal Tuli stating that there were some altercation which ensued in scuffle. At that time the applicant No.1 took out pistol and threatened the

complainant with dire consequences. in the premise, the first information report is lodged.

The present applicant has also registered FIR dated 23.12.2015 bearing No.,808/2015 with D.N.Nagar Police Station under Sections 323, 504, 506(2) of the I.P.C. and under Section-3, 25 of the Arms Act.

During the course of investigation, it was transpired to the police that an eye witness has specifically stated that the complainant in the present crime i.e. Kamal Tuli and accused in CR No.808/2015 had in fact took out pistol which was in his possession and pointed out to the present applicant. It prima facie appears that the contents of the complaint wherein the present applicants are accused persons are not true and genuine. In view of the above the custodial interrogation of the applicants is not necessary. However, the applicants may be directed to attend the Investigating officer till the filing of final report.

Hence, the following order.

ORDER

- a) The interim relief granted by order dated 8.1.2016 is hereby confirmed. However, the applicants are directed to attend the Investigating Officer as and when called for between 10.00 a.m. to 12.00 noon till the filing of the charge-sheet.
- b) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)

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