

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

ANTICIPATORY BAIL APPLICATION NO. 88 OF 2016

Firoz Sathe

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Milan Desai i/b T. R. Patel for the Applicant.

Mrs. A. T. Javeri, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 9th FEBRUARY, 2016.

P. C. :

1. The applicant is apprehending his arrest in C. R. No.1/16 registered with Malwani Police Station, Mumbai under Sections 326, 323, 504 r/w. 34 of the Indian Penal Code.

2. The complainant Farid Shaikh lodged the first information report. In his report dated 01.01.2016 he has specifically stated that at about 3.00 p.m. when he was at his house, the applicant and his sister Zarina were having altercations with his mother. Thereafter the applicant and his brother started abusing to the family members of the complainant. The applicant and his brother thereafter assaulted him with fist blows. Thereafter the applicant took out an iron rod which he was carrying and assaulted with the same to the

complainant. When the complainant tried to ward off the blow given by the applicant, he sustained fracture to his left hand due to which the complainant fell down. The applicant and his brother thereafter assaulted the complainant with fist and kick blows. The people from the vicinity gathered on the spot and pacified the said scuffle. In the said premise the FIR is lodged.

3. The learned Counsel for the applicant submitted that the lodgment of the FIR is an outcome of the complaint lodged by the sister of the applicant against the family members of the complainant. He has submitted that on 27.12.2015 the sister of the applicant namely Smt. Shabina Shaikh has lodged the FIR against the complainant and his family members. It is due to the said reason, the present FIR is lodged by the complainant Farid Shaikh. It is further submitted that for the recovery of iron rod custody of the applicant is not necessary and the applicant may be protected by way of pre-arrest bail.

4. I have perused the papers pertaining to the investigation of the present crime. It is to be noted here that the statement of the complainant Farid Shaikh is duly corroborated by the medical certificate issued by the Medical Officer. The iron rod which is the weapon used by the applicant in the present crime is to be recovered

from the applicant and for that the custody of the applicant is necessary. The statements of the other witnesses further corroborate the version of the complainant. After taking into consideration the serious allegations against the applicant and the gravity of the offence, I am of the considered opinion that this is not a fit case to grant the protection of pre-arrest bail to the applicant. The application is dismissed accordingly.

(A. S. GADKARI, J.)