

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

ANTICIPATORY BAIL APPLICATION NO.123 OF 2016

Mr.Nasir Anwar Shaikh & Anr. ... **Applicants**

V/s.

The State of Maharashtra ... **Respondent**

WITH

ANTICIPATORY BAIL APPLICATION NO.124 OF 2016

Nihal Nasir Shaikh & Anr. ... **Applicants**

V/s.

The State of Maharashtra ... **Respondent**

Mr.Nilesh Tribhuvahn, Advocate for the Applicants.

Mrs.Prabha Badadare I/b. B.G.Tangsali, Advocate for the
Intervenor.

Mr.Deepak Thakre, APP for the Respondent/State.

CORAM : P. N. DESHMUKH J.

DATED : 9th JUNE 2016.

P.C.

1. Heard the learned counsel for the applicant.
Heard the learned counsel for the intervenor. Heard the
learned Additional Public Prosecutor for the State.
Both these applications arose out Crime No.7 of 2016
registered with R.C.F.Chembur Police Station for the
offence punishable under Section 326, 323, 504, 506
r/w.34 of the Indian Penal Code. Applicants are
protected by pre-arrest bail granted by this Court vide
its order dated 22/01/2016.

2. Perused FIR lodged by informant Nasim Shaikh, wherein it is stated that on the date of incident at 10/01/2016, at about 10.00 a.m., when he was present in his house, applicant Nasir arrived and started abusing him, further saying that since informant had abused wife of applicant Nasir, he was abusing and threatening that he will not leave him today. At the same time, applicant called his son Nihal, Nadim and wife Banu on the spot, who started abusing informant and was subjected to assault by them by fist blows and in the course of the same transaction, applicant-Nasir committed assault on complainant by brick due to which he lost his tooth and sustained bleeding injury.

3. The learned counsel for the applicant has contended on having considering the contents of FIR lodged by informant, that the offence under Section 326 of the Indian Penal code cannot be made out.

4. The learned Additional Public Prosecutor opposed the application on the ground that weapon involved in the present crime is yet to be seized.

5. Having considering the contents of FIR, as aforesaid, there appears to be no weapon, in fact,

involved in the crime. The brick, which is referred above is already seized. Having considering the nature of allegations and the facts, as aforesaid, interim bail granted to the applicants on 22/01/2016 is confirmed on the same terms and conditions. Both the applications are disposed of accordingly.

(P. N. DESHMUKH J.)