

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.1340 OF 2015**

Mohammad Irfan Abdul Razzak Shaikh ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Salim Shaikh i/b Ram Mani Upadhyay for the Applicant  
Ms.P.P. Shinde, APP, for Respondent – State  
Mr.A.A. Mulla, PSI, Kurla Police station – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 7, 2016**

**P.C.:**

1. The application is for pre-arrest bail as the applicant-accused is prosecuted for the offences under sections 326, 324 r/w 34 of the Indian Penal Code in C.r. No.121 of 2015 at Kurla police station registered at the instance of one Atish Prakash Ranpise on 29.4.2015. It is the case of the prosecution that on 29.4.2015, when the complainant Atish was going alongwith his friend Raju Kamble from Kurla railway station, a sudden quarrel took place between four unknown persons and the complainant Atish and Raju. Those unknown persons lifted a plastic and iron chari and threw it towards the complainant. At that time, it hit on the mouth and his tooth broke. His associate Raju had also received head injury. So they went to hospital and got treated. They registered offence against 3 to 4 unknown persons with Kurla police station.

2. The learned Counsel for the applicant-accused submitted that the one accused Aslam Ali Khan, co-accused, was arrested on 10.8.2015 and the weapon used in the commission of the crime i.e., a plastic and steel was seized by the police. The applicant-accused is also framed in this offence. Hence, he has filed this application.

3. The learned Counsel for the Applicant has submitted that he is innocent and he is a poor hawker. He is falsely implicated in the case.

4. The learned Prosecutor while opposing this application has submitted that Aslam has disclosed his name.

5. Perused the FIR. It was registered on 29.4.2015 against unknown persons. No description of the unknown persons is given in the FIR and then suddenly on 10.8.2015 one Aslam is arrested and on that day, a plastic and iron steel chair was seized. However, it is not clear and there is no clue as to how the name of the applicant-accused is arrived at. Under such circumstances, prima facie, this is a case for anticipatory bail to be granted.

6. Accordingly, the Anticipatory Bail Application is allowed on the following terms:

i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.10,000/- (Rupees Ten

thousand only) with one or two solvent sureties in the like amount;

ii) The applicant-accused shall not tamper with the evidence;

iii) The applicant-accused shall not indulge into any criminal activity and shall report to the concerned police station on 14.3.2016 between 11am to 12noon.

**(MRIDULA BHATKAR, J.)**