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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.1956 OF 2015**

Amjad Yusuf Khan & Anr. ..Applicants
Vs.
The State of Maharashtra ..Respondent

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Mr. S.S. Karmarkar, for applicants.
Ms. A.T. Javeri, APP for State.

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**CORAM: A.S. GADKARI, J.**

**DATE : 1st March 2016.**

**P.C.**

**1** The applicants are apprehending arrest in CR No.324 of 2015 dated 26.10.2015 registered with Kurar Police Station, Malad, Mumbai under Sections 452, 326, 427, 323, 504, 506 read with 34 of IPC and under Section 37(1) of Bombay Police Act.

**2** The FIR has been lodged by Abdul Mirza. In the FIR, he has stated that he was helping his cousin brother Asad in the business of beetle leaf shop. That on 25.10.2015 at about 11.45 p.m. the accused persons namely Ahmed, Imran, Azim, and Raja came to the said pan-stall and demanded match box. At that time, the complainant informed the said

accused persons that his shop is closed. That after the said persons persuaded him to give match box, the complainant gave them the match box and demanded money for it. the accused No.1- Ahmed gave him a currency note of Rs.5/- which was in torned condition. When the complainant requested the accused No.1 Ahmed to give another currency note, the accused No.1 Ahmed started abusing the complainant and the accused No.1 Ahmed and other accused persons namely Imran, Azim, and Raja entered into the said shop and assaulted the complainant and his cousin brother by fist and blows. The said four accused persons thereafter caused damage to the furniture of the said shop. The co-accused Azim took out an iron rod and assaulted the complainant and his brother with the same. Due to the said assault, two teeth of the complainant were broken and he started bleeding. The accused persons threatened the complainant, his brother and left the spot. In the premise the FIR is lodged.

**3** I have perused the FIR and the documents annexed to the present application. It is to be noted here that the name of the first applicant Amjad Yusuf Khan does not appear in the FIR dated 26.10.2015 lodged by the complainant which is annexed at page-12 of the present application. As far as the applicant No.2-Mohammad Idrisi @ Raja is concerned, a general statement is made qua the said applicant No.2. The learned APP on in

instructions submitted that the accused No.1-Ahmed and other accused person namely Azim were arrested and the iron rod which was used in the present crime has been recovered at the instance of co-accused Azim. After perusal of record, it appears to me that the custodial interrogation of the applicants is not necessary. In view of the above, according to me the applicants have made out a case for grant of pre-arrest bail.

**4** Hence, the following order:-

(i) In the event of arrest in CR No.324 of 2015 dated 26.10.2015 registered with Kurar Police Station, Malad, Mumbai, the applicants shall be released on their furnishing PR bond of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

(ii) The applicants shall not tamper with evidence and/or influence the prosecution witnesses.

(iii) The application is allowed in the aforesaid terms.

**(A.S. GADKARI,J.)**