

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 457 OF 2017

Shahrukh Abdul Rahim Shaikh @ Ravan. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Mujahid Hamid Mulla, advocate for Applicant.

Mrs. P.P. Shinde, APP for State.

Mr. Satish Ghare, PSI, Antop Hill Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : MARCH 17, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application under section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 87/2017 registered at Antop Hill Police Station on

21/2/2017 for offence punishable under section 326, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 21/2/2017 at about midnight he was in front of his house. That the applicant and his friend Shahrukh @ Ravan has raised quarrel with the complainant. He attempted to resist. At that time, Shahrukh had assaulted the complainant on his head with Bamboo. That he had sustained injury on his wrist, fingers, left hand. It is alleged that the present applicant had assaulted with a bamboo, whereas the co-accused has assaulted the complainant with kick and fists blows. On the basis of the report Crime No. 87 of 2017. The injury certificate of the complainant shows that he had sustained one contused lacerated wound on scalp deep on left side. The said injury was sutured by way of first aid.

4 The learned Counsel for the applicant submits that the incident had occurred at the spur of the moment only after the complainant had asked the applicant as to why he was pushed on the earlier day,

when there was quarrel on account of parking of vehicle. The incident had occurred on the spur of the moment. The medical certificate does not make out a case under section 326 of the Indian Penal Code. Hence, after considering the material on record and the submissions advanced across the bar, this Court is of the opinion that the applicant deserves grant of pre-arrest bail.

5 The observations are prima facie in nature and restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be considered while deciding application for discharge or quashing of FIR or at the time of trial.

6 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 87 of 2017 registered at Antophill Police Station, the applicant be enlarged on bail on

furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more local solvent sureties in the like amount.

(iii) The applicant shall report to the concerned police station from 22nd March, 2017 to 26th March, 2017 between 10.30 a.m. to 1 p.m. and cooperate with the investigating agency to the best of his capacity.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)