

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.543 OF 2017

Jamiruddin Khan

Applicant

versus

The State of Maharashtra

Respondent

Mr.Ajit Kenjale for Applicant.

Mr.R.M.Pethe, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 13th June 2017

PC :

1. This is an application for anticipatory bail. The offence is registered with Bhandup Police Station vide CR No.49 of 2017. The offence is registered under Sections 326, 323, 504 and 34 of Indian Penal Code. The prosecution case is that there was a quarrel between the complainants and the family of accused persons. Both of them are neighbours. It is alleged that the accused assaulted the complainant. The Applicant is attributed the role of assaulting him by wooden bamboo. The said assault resulted in fracture injury to the complainant.

2. Learned advocate for the Applicant submits that there was a quarrel between the wife of the Applicant and the complainant. He was not at the scene of offence and he was falsely implicated. He states that his son was also implicated and both of them were not present at the scene of offence. The anticipatory bail application preferred by the wife and son of the Applicant has been allowed by this Court. He further states that he attended the Police Station and his custodial interrogation is not required.

3. Learned APP opposed the application. He submitted that the Applicant has been named in the FIR and overt act is attributed to him. His custodial interrogation is necessary as he used wooden bamboo to beat the complainant. He submitted that tower location indicated that the Applicant was present near the incident and, therefore, there is no substance in the contention of Applicant that he was not present at the scene.

4. Considering the fact that the dispute is between neighbours and on account of the quarrel the complainant is assaulted; and the Applicant has attended the police station, as directed, the custody of the Applicant is not necessary. Hence, I am inclined to pass following order:

ORDER

- (i) Anticipatory Bail Application is allowed;
- (ii) Interim order dated 29th March 2017 is confirmed;
- (iii) The Applicant is directed to report Bhandup Police Station once in a week on every Saturday between 10 a.m. and 12 p.m., till filing of charge sheet;
- (iv) After filing of the charge sheet, the Applicant shall report Bhandup Police Station once in a month on every second Saturday between 10 a.m. and 12 p.m.
- (v) The Applicant shall not tamper with the witnesses;
- (vi) The Application stands disposed of.

(PRAKASH D. NAIK, J.)

MST