

JPP

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

ANTICIPATORY BAIL APPLICATION NO. 711 OF 2017

Mohammed Hamza Mohammed Iqbal Khan. ... Applicant.

V/s.

The State of Maharashtra (at the instance
of Bhoiwada Police Station, Bhiwandi). ... Respondent.

Mr. Momin Mohd. Farooque Nisar for the Applicant.
Mr. Arfan Sait, APP for the State.

CORAM : A.S. GADKARI, J.

24 April, 2017.

P.C. :-

1. The applicant is apprehending arrest in CR No. I-15/2017 dated 7th February 2017 registered with Bhoiwada Police Station, Thane under Sections 395, 452, 324 r/w. 34 of the Indian Penal Code.

2. It is the prosecution case that the accused no.1 Mohd. Jaheed Shah alongwith other accused persons committed criminal trespass in the office of the first informant; the accused no.1 Mohd. Jaheed Shah inflicted a blow with kitchen knife on the left hand palm of the

first informant; the accused persons assaulted the first informant with a wooden log and robbed Rs.10,000/- from his pocket.

3. Initially, the police recorded the said incidence as a non-cognizable offence on 15.12.2016 at about 2.00 p.m. That the first informant thereafter filed a private complaint before the JMFC, Bhiwandi and in pursuance of the order passed under Section 156(3) of the Code of Criminal Procedure, the present crime is registered.

4. I have perused the documents annexed to the application and the record of the investigation produced by the learned APP. The record reveals that the first informant has received incised wound on the left hand palm and the same is a simple injury. Accused No.1 Mohd. Jaheed Shah has been attributed with the role of assault with kitchen knife on the first informant. Apart from a general statement, there is no specific role or overt-act attributed to the applicant.

5. In view of the above and after taking into consideration the material available on record, this Court is of the view that the custodial interrogation of the applicant for further investigation of crime is not necessary. The applicant has made out a case for grant of pre-arrest bail.

Hence, the following order :

(i) In the event of arrest in CR No. I-15/2017, registered with Bhoiwada Police Station, Thane the applicant shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties.

- (ii) The applicant shall attend the Investigating Officer as and when called for between 11.00 a.m. to 1.00 p.m. till filing of final report/charge-sheet.
 - (ii) It is needless to mention that before calling the applicant to the Police Station, the Investigating Officer shall issue a notice under Section 160 of the Code of Criminal Procedure, thereby specifying the date and afore-stated time.
 - (iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
6. The application is allowed in the aforesaid terms.

(A.S. Gadkari, J.)