

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1044 OF 2017**

Hayat Mahmood Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Sheikh Mohd. Imran for the Applicant

Mr. Ajay Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 7th AUGUST, 2017

P.C.

1. Heard learned Counsel for the applicant.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 213 of 2017 registered with the Parksite Police Station, Mumbai, for the alleged offences punishable under Sections 326, 323, 504, 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the applicant is alleged to have assaulted Rafiq Shaikh, the cousin brother of the

complainant, with a tile. He submitted that the nature of injury sustained by Rafiq Shaikh, is simple in nature.

4. Learned A.P.P does not dispute that the injuries sustained by Rafiq Shaikh, are simple in nature.

5. Perused the papers. It appears that on account of a dispute between the parties, the applicant and his son assaulted Rafiq Shaikh. It is alleged that the applicant assaulted Rafiq Shaikh with a tile, whereas, the co-accused i.e. son of the applicant assaulted Rafiq Shaikh with an iron rod. Admittedly, co-accused i.e. the son of the applicant was arrested and enlarged on bail. The medical certificate which is at page 16 of the application shows that Rafiq Shaikh has sustained 3 CLWs on his head, with an iron rod/stone. The nature of injuries, is stated to be simple.

6. Considering the aforesaid, in the peculiar facts of this case, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, for a period of three months;
- (iii) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial.

7. The application is accordingly disposed of.
8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.