

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1574 OF 2017

Amjad Yunus Ansari alias Khan .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.A.Patankar, Advocate, for the Applicant
Mr.M.G.Patil, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-99 of 2017 registered with the Shantinagar Police Station, Thane, for the alleged offences punishable under Sections 307, 324, 504 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the only allegation as against the Applicant is that he assaulted injured – Shafiqujma Ansari with fist blows. Learned counsel for the Applicant submits that it is evident from the prosecution case that the incident took

place at the spur of the moment and it was accused No.1 – Papa alias Parvez Yunus Ansari, who assaulted the Complainant with Scissor. As far as the Applicant is concerned, he is alleged to have given fist blows to the Complainant. He submitted that charge-sheet has been filed as against other co-accused and that the custody of the Applicant is not required.

4. Learned APP opposes the Application. He does not dispute the fact that the Applicant has no antecedents.

5. Perused the papers. The incident has taken place on 14.04.2017. According to the Complainant/Injured, when he alongwith his nephew had gone to purchase articles, he noticed four persons sitting on one bench. He has stated that co-accused - Papa alias Parvez Yunus Ansari looked at him angrily and hence, he asked him as to why he was looking at him. It is alleged by the Complainant, that Parvez Ansari questioned him as to why he had lodged a complaint against him and assaulted him with a Scissor on his chest. As far as the Applicant is concerned, he is alleged to have given fist blows to the Complainant. Admittedly, the Applicant had no motive to assault the Complainant. The Injury Certificate shows that the Complainant/injured had suffered

two CLWs and one stab injury.

6. Considering the role of the Applicant, custody of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR 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 **on every Friday and Saturday** between **10.00 a.m. to 12.00 noon** till the filing of the charge sheet;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are

prima facie, and are confined to this Application.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)