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

ANTICIPATORY BAIL APPLICATION NO. 1863 OF 2016

Mohd. Ismail Shaikh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Shaikh Mohammed Imran for the Applicant.
Mr. M. G. Patil, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 7th APRIL, 2017.

P. C. :

1. The applicant is apprehending arrest in C. R. No. 223 of 2016 dated 18.09.2016 registered with Vinobha Bhave Nagar Police Station, Mumbai under Sections 324, 323, 504 read with Section 34 of the Indian Penal Code. The police have now added Section 326 of the Indian Penal Code to the said crime.
2. The First Information Report is lodged by Mohd. Riyaz Abdul Wahab Shaikh. It is stated that on 12.09.2016 at about 4.45 p.m. there was a quarrel between his brother-in-law namely, Sufiyan and his relative Shahanawaz Shaikh on one side and his friend namely Mohd. Ibahim Shaikh and the applicant on the other side on account of feeding fodder to the sheep. The said quarrel ensued in a fight and at that time co-accused Mohd. Ibrahim assaulted the wife of the complainant with a sharp edge pointed weapon and she received an injury on her hand. Mohd. Ibrahim

also assaulted the complainant with the said weapon. It is stated in the FIR itself that in the said scuffle, the applicant himself has received an injury on his stomach by the said weapon at the hands of Ibrahim. In the premise, the FIR is lodged.

3. The record reveals that the applicant has thereafter taken treatment at Municipal Hospital, Sion. The medical record of the applicant corroborates the version narrated by the first informant Mohd. Riyaz Abdul Wahab Shaikh. The papers of investigation shows that, the applicant when tried to pacify the said quarrel, himself has received the said injury at the hands of co-accused.

4. In view thereof, the applicant has made out a case for grant of pre-arrest bail.

6. Hence, the following order:

- (i) In the event of arrest of the applicant in C. R. No. 223 of 2016 registered with Vinobha Bhave Nagar Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- (ii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]