

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

ANTICIPATORY BAIL APPLICATION NO.2161 OF 2017

Altaf Isaq Shaikh		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Vikrant V. Phatate for the Applicant.
Mr. Vinod Chate, APP for the State.
Mr. Ramesh Chintakinda, API present.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 13th December, 2017

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.620 of 2017, registered at Fauzdar Chawdi Police Station, for the offences punishable under Sections 307, 323, 326, 143, 147, 148, 149, 504, 506 Indian Penal Code.

3 It is the case of the prosecution that on 21st October, 2017, Avinash Appasaheb Survase lodged a report at the Police Station alleging therein that when he was in the company of his friends, one Sanjay alongwith his 7-8 associates including the present applicant had apprehended him and threatened him of dire consequences on account of some previous dispute. It is alleged that Akshay had assaulted the complainant with iron rod. His maternal uncle, Pundlik had attempted to intervene and he was also assaulted by Bablu. It is clear from the recitals of the F.I.R. that no specific overtact is attributed to the present applicant. In the present case, 10 accused persons have been arrested. Taking into consideration the recitals of the F.I.R. and the submissions advanced across the bar, a case of pre-arrest bail is made out by the applicant.

4 However, the observations made hereinabove are prima facie in nature. The learned Sessions Court shall not be influenced by the above observations at the time of hearing the application for discharge or quashing of FIR or at the time of trial. The same be

decided on its own merits. Hence, the following order is passed :

ORDER

- 1 The application is allowed.
- 2 In the event of arrest in Crime No.620 of 2017, registered at Fauzdar Chawdi Police Station, the applicant be enlarged on bail on furnishing PR. bonds in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- 3 The applicant shall report to the concerned police station as and when called by Police.

The application is accordingly disposed of.

(*Smt. Sadhana S. Jadhav, J*)