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

ANTICIPATORY BAIL APPLICATION NO.1025 OF 2017

Abujahid Samsuddin Shah

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. S.G. Kazmi for applicant.

Mr. R.M. Pethe, APP for State.

Mr. S.B. Pujari, API, Bhoiwada Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 10th JANUARY 2018.

P.C.:

1] By a reasoned Order dated 19th June 2017 the applicant was granted interim relief with a direction to attend the Investigating Officer on stipulated dates and to join the process of investigation.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The record indicates that initially Section 395 of the Indian Penal Code was applied to the present crime, however, after completion of investigation, while submitting chargesheet, the police have dropped the said charge and have applied Sections 324, 452, 143, 147, 148, 149 of the Indian Penal Code. The record further indicates that, before lodgment of

the present crime, one NC bearing No.930 of 2016 dated 15.12.2016 was registered by the first informant against four accused persons, wherein the name of the present applicant is not reflected in the said NC and there is no mention about knife or other weapon used therein. It is stated that, during the course of said assault the first informant suffered abrasion to his finger of left hand. In the first information report, there is allegation against the applicant that he inflicted blow with a knife. In the medical report, it is mentioned that there is an incised wound admeasuring 1 cm x 1 cm and is simple in nature.

4] After taking into consideration the peculiar facts and circumstances of the present case, this Court is of the view that the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

In view thereof, interim relief granted by an Order dated 19th June 2017 is confirmed. However, the condition to attend the Investigating Officer is hereby waived.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)