

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

ANTICIPATORY BAIL APPLICATION NO. 1482 OF 2018

Shehbaz Israil Shah @ Pappali & Anr. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr. Sheikh Md. Imran for the Applicants.

Mr. M.G. Patil, APP for the Respondent/State.

Mr. Popat Tilekar, PSI, Vinoba Bhave Nagar Police Station.

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CORAM: PRAKASH D. NAIK, J.

DATED: AUGUST 23, 2018

P.C. :

1. This is an application for anticipatory bail in connection with CR No. 83 of 2018 registered with Vinoba Bhave Nagar Police Station, Mumbai for offences under Sections 326, 323, 504 read with 34 of the Indian Penal Code.

2. The First Information Report (F.I.R.) was registered by one Sufiyan Abdul Kali Khan on 26th March, 2018 alleging that on 23rd March 2018, quarrel took place between the complainant and Isru Patel. The applicants are the sons of Isru Patel. For taking

revenge of the quarrel, the applicants allegedly assaulted the complainant with sharp weapon. Applicant No.1 gave blow on his head. The complainant sustained injury. The complainant was then taken to the hospital. It is submitted that applicant No.2 is a juvenile. Bonafide certificate in that regard has been annexed to this application. Applicant No.1 is aged about 20 years. This Court while passing interim order on 25th July, 2018 has observed that applicant No.2 appears to be juvenile on the date of the incident and the prosecution was directed to take appropriate steps. It also appears that the complaint was lodged against the present complainant on 4th April, 2018 vide CR No. 90 of 2018 for offences under Sections 326, 324, 323, 504 read with 34 of the Indian Penal Code. The applicants' sister has also lodged a complaint on 4th April, 2018 vide CR No. 91 of 2018 for offences under Sections 354 (3) and 509 of the Indian Penal Code.

3. Learned APP submitted that the complainant had sustained injury by sharp edged weapon. He submitted, on instructions, that applicant No.1 had attended the Investigating Officer from 31st July, 2018 to 3rd August, 2018 as directed by this Court by order dated 25th July, 2018.

4. It appears that there is dispute amongst the complainant and the accused. There are cases registered by both the sides. Applicant No.2 is apparently a juvenile and applicant No.1 is also a young boy aged 20 years. Taking into account the aforesaid facts and circumstances of the case, I pass the following order :-

ORDER

- (i) Anticipatory Bail Application No. 1482 of 2018 is allowed.
- (ii) Interim order dated 25th July, 2018 passed by this Court is confirmed.
- (iii) In the event of arrest of the applicants in connection with CR No. 83 of 2018 registered with Vinoba Bhave Nagar Police Station, Mumbai for offences under Sections 326, 323, 504 read with 34 of the Indian Penal Code, the applicants shall be released on bail on furnishing PR Bond in the sum of Rs. 15,000/- each (Rupees Fifteen Thousand only) with one or two sureties in the like amount.

- (iv) Applicant No.1 shall attend Vinoba Bhave Nagar Police Station, Mumbai as and when called by the Investigating Officer till filing of the chargesheet.
 - (v) The applicants shall not tamper with the evidence and/or shall not pressurize the prosecution's witnesses.
5. Anticipatory Bail Application stands disposed of..

(PRAKASH D. NAIK, J.)