

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1705 OF 2018

Juned Zulfekar Ansari, Age 19 years,
Occ.Student, R/o.Gate No.5, Plot No.19/B,
229, Old Collector Compound, Malwani,
Malad (W), Mumbai-400 095.

Applicant

versus

The State of Maharashtra

Respondents

Ms.Shweta Agarwal for applicant.

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

Mr.G.G.Indrale, PSI, Malwani Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. The applicant is seeking anticipatory bail in connection with CR No.39 of 2018 registered with Malwani Police Station, Mumbai under Sections 326, 504, 506, 34 of Indian Penal Code. The prosecution case is that there was water leakage problem on account of which the complainant's family had questioned the accused. On 9th January 2018 there was a quarrel between both sides. The cousins of complainant Junaid, Zuber and Umer joined the quarrel. Junaid held the complainant and two stab injuries were inflicted by Umer by knife.

2. The co-accused were arrested by police on 9th January 2018 and they were granted regular bail on 19th January 2018. It is submitted that the role attributed to the applicant is that he caught

hold of the injured person and the injuries were inflicted by the co-accused, who were granted bail. It is submitted that the applicant has lodged cross complaint against the complainant herein vide CR No.48 of 2018 for offences u/s 324, 504, 506, 323 of IPC. In that complaint the applicant was purportedly injured at the instance of complainant herein.

3. Learned APP submitted that the injured had sustained several injuries on shoulder and other part of body, which was grievous in nature. The co-accused were granted regular bail.

4. Taking into consideration the role attributed to the applicant and also considering the fact that the co-accused were arrested and granted bail, present application can be granted. It is also noted that the applicant had lodged cross FIR against opponents which is also under investigation. The applicant had sustained CLW on occipital region which is borne out from the medical certificate. In the circumstances the application can be allowed.

5. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.1705 of 2018 is allowed;

(ii) In the event of arrest of applicant in connection with CR No.39 of 2018 registered with Malwani Police Station, Mumbai, the applicant be released on bail on furnishing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount;

(iii) The applicant shall report to the Investigating Officer of Malwani Police Station once in a week on every Saturday between 10 a.m. and 12 noon till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST