

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1761 OF 2018

Ijaz @ Ajju Abdulla Khan

...Applicant

Versus

The State of Maharashtra

...Respondents

Mr.Pravin H. Padave i/b. Mr.Ramesh Mishra for the applicant.

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

Mr. Manjare, PSI, D. N. Nagar Police Station, Mumbai.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th SEPTEMBER 2018

P.C. :

1. This is an application for anticipatory bail in connection with CR No.128 of 2018 registered with D.N. Nagar Police Station, Mumbai, for offence punishable under Sections 326, 504, 506 read with Section 34 of the Indian Penal Code.

2. The prosecution case is that on 3rd March, 2018 at about 10 pm in front of Sahana Builder's officer, near Farookia Masjid, Andheri (W), Mumbai one Nooral Hasan Chand Hussain Shaikh

was standing at Pan Shop. At that time, applicant no.1 and his friend came with wooden log. Applicant no.1 abused Nooral Shaikh and questioned him about information spread by him on news TV Channel. The applicant and his friend assaulted the complainant on his head by wooden log. The complainant sustained severe injury and he was taken to the hospital for treatment. The complainant was admitted in the hospital and thereafter FIR was lodged.

3. The learned Counsel appearing for the applicant submitted that the applicant has been falsely implicated in the case. It is submitted that there are no previous complaint against the applicant or his father. The father of the applicant was granted bail. It is submitted that the custodial interrogation of the applicant is not necessary. The applicant is willing to cooperate with the investigation. It is prayed that the applicant may be granted anticipatory bail.

4. Learned APP submitted that specific overt act has been attributed to the applicant. The accused have assaulted the complainant by wooden log. The medical case papers as well CT scan report indicates that the complainant sustained undisplaced fracture of occipital bone. It is submitted that there are other two cases registered against the applicant in the year 2008 and 2009 for offence punishable under Section 324 of the India Penal Code.

It is submitted that anticipatory bail may be rejected.

5. Having perused the FIR, it can be seen that the applicant has been attributed the clear role of assaulting the complainant by wooden log. The other accused who had accompanied the applicant at the time of assault is absconding. The father of the applicant was granted bail, considering the role assigned to him and since he was not present at the scene of the offence.

6. Considering the factual aspects and overt act attributed to the applicant, no case for grant of bail is made out. Hence the order;

:: ORDER ::

Criminal Anticipatory Bail Application is rejected.

Vina
Arvind
Khadpe

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[PRAKASH D. NAIK, J.]