

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

ANTICIPATORY BAIL APPLICATION NO.1771 OF 2018

Zarrar Esrar Khan & Anr.

.. Applicants

Vs.

State of Maharashtra

.. Respondent

.....

Ms.Mallika Ingale i/b. B.L. Jagtap, Advocate for the Applicants.
Mrs.G.P. Mulekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 4, 2018.

P.C. :

This is an application for anticipatory bail in C.R. No.188 of 2018, registered with Sahar Police Station. The offences were registered under Sections 326, 324, 323, 504, 143, 145, 147 and 149 read with 34 of IPC.

2 The case of the complainant is that on 16th June, 2018 at about 8:30 p.m., the complainant was informed that there was a quarrel between Arbaz and some persons at Chimatpada, Marol. On receipt of the said information, the complainant went to the house of Arshad Khan. At that place, Vishal Singh, Muzaffar Malik, Arbaz Khan, Shehjad Khan and Arshad Khan

were present. The complainant was informed that at about 6:30 p.m. Arbaz had a quarrel with Zuber from Chimatpada. In pursuant to that the complainant and five other proceeded to the said place on motorcycle. They searched the house of Zuber. Inquires were made with Zuber. At that time 5 to 7 persons assaulted them. The assailants were carrying rod and wooden sticks. Complainant and others were assaulted by the said weapons as well as by sticks and kick blows. Hence, FIR was registered on 17th June, 2018.

2 It appears that cross FIR was registered with the same police station vide C.R.No.187 of 2018 on 17th June, 2018, for offences punishable under Sections 323, 326, 307, 143, 147, 149, 504 read with 34 of IPC. The said FIR was lodged by the applicant no.1. Vishal Singh, Muzaffar Malik, Parvez Khan and Arshad Khan were named as accused in the said FIR. It is pertinent to note that Parvez Khan is the complainant in the FIR, which is registered against the applicant-accused. In the cross FIR, it was alleged that the accused had assaulted the complainant and others when they tried to pacify the quarrel. They were assaulted by knife, which had resulted in serious injuries to the applicant no.1. Considering the nature of injuries,

the offence was registered under Section 307 of IPC.

4 Learned counsel for the applicants submits that apparently, the complainant and his associates were aggressors. They came in group on account of alleged previous quarrel. Applicant no.1 was assaulted by using knife. Offence is registered against the opponents are more grave and serious in nature.

5 Learned APP submitted that there are two cross cases registered at the instance of both the parties, which are under investigation. Learned APP submitted that applicant no.1 in this application was admitted in the hospital for the injuries for a period of about two months, whereas, the complainant was also treated for the injuries sustained by him for a period of two days. Considering the aforesaid circumstances, case for grant of anticipatory bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.1771 of 2018,
is allowed;

- (ii) In the event of arrest of the applicants in connection with CR No.188 of 2018, registered with Sahar Police Station, Mumbai, they may be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/-, each, with one or more sureties in the like amount;
- (iii) Applicants shall attend Sahar Police Station, Mumbai, as and when called for by the investigating officer;
- (iv) Applicants shall not tamper with the evidence;
- (v) Bail Application No.1771 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)