

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

ANTICIPATORY BAIL APPLICATION NO.356 OF 2019

Sayed Faisal Ahmed	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

.....

Mr.Ramnath Kini i/b. Ms.Seema S. singh, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

PSI Randive, Vinoba Bhave Police Station, Mumbai, present.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 8, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.16 of 2019, registered with Vinoba Bhave Marg Police Station, Mumbai, for the offences punishable under Sections 326, 323, 504 and 506 read with 34 of Indian Penal Code (“IPC”, for short).

2 First Information Report (“FIR”, for short) was lodged on 20th January, 2019. The prosecution case is that after closing the shop, complainant went to Gymnasium and thereafter at

about 10:30 p.m., he was proceeding towards his home. When he reached near Kartika High School, person, namely, Ashraf confronted him. At that time, another person Faizal came there and shouted and told Ashraf that today they shall not leave him and both of them started assaulting him. Faizal gave blow of iron rod on the back of complainant's head. There was altercation between them. Complainant was abused and assaulted. The applicant assaulted the complainant by iron rod on his head. The complainant was then taken to the hospital and was treated for the injuries.

3 Learned counsel for the applicant submits that considering the nature of evidence and the role attributed to the applicant, custodial interrogation of the applicant is not necessary. The injury is not serious nature. Applicant was granted interim protection by the Sessions Court, and during operation of interim order, the applicant was never called by the police for interrogation. Learned APP submitted that the applicant was not found at his residence, which is fortified by the station diary entry.

4 I have perused the medical certificate, which refers to

the injuries sustained by the complainant. Applicant has allegedly used iron rod in assaulting the complainant. There are eye witnesses to the incident. Considering the role attributed to the applicant and the evidence collected by the police, no case is made out for grant of anticipatory bail. Hence, anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.)