

Dond

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

**ANTICIPATORY BAIL APPLICATION NO. 749 OF 2019
WITH
APPP NO. 526 OF 2019**

Shamshad Ahmed Vakil Ahmed Ansari & Ors. **..Applicants**

Vs

The State of Maharashtra **..Respondent**

Mr. Nadeem Shaikh i/b Mateen Shaikh for the Applicants.
Mr. Ajay Patil, APP for State.

**CORAM : A.S.GADKARI, J.
DATE : 5th April 2019.**

P.C.:

1] The applicants are apprehending arrest in CR No.I-186 of 2019 dated 25.2.2019 registered with Shanti Nagar Police Station, Thane City under section 326, 324, 323, 504 read 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicants and the learned APP. Perused the record of investigation.

3] The medical certificate issued by KEM Hospital, Parel, Mumbai mentions the injuries received by the first informant. Perusal of the said

medical certificate would prima facie indicates that, the application of Section 326 of the Indian Penal Code to the present crime is misplaced. There is a cross complaint against the first informant filed by the applicant No.1 Shamshad Ahmed alleging assault by the first informant and his group of persons upon him. In the said assault the applicant No.1 Shamshad Ahmed has received two incised wounds.

4] In view of the above, the custodial interrogation of the applicants for further investigation of the preset crime is not necessary and the applicants can be protected by pre-arrest bail.

Hence the following Order:-

i] In the event of arrest in CR No. I-186 of 2019 registered with the Shanti Nagar Police Station, Thane City, the applicants shall be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each with one or two separate solvent local sureties in the like amount.

ii] Applicants shall attend the Investigating Officer on 10th, 11th and 12th days of April 2019 between 10.00 a.m to 1.00 p.m and to join in the process of investigation.

iii] Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

- 5] Application is allowed in the aforesaid terms.
- 6] In view Order passed in A.B.A. No.749 of 2019, Criminal Application (APPP) No. 526 of 2019 for intervention does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)