

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1292 OF 2019

Sobu alias Amir Shabbir Kadar Sayyed .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Silvin Y. Kale, Advocate, for the Applicant
Mrs. P. P. Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this application, the Applicant seeks pre-arrest bail in connection with C.R. No. 86 of 2019 registered with the Wadala Police Station, Mumbai, for the alleged offence punishable under Sections 307, 323, 506(ii) r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. He submitted that taking the prosecution case as it stands, no overt act has been attributed

to the Applicant. He submits that the Applicant is aged 19 years and needs reformation.

4. Learned A.P.P submits that earlier, the Applicant was arrested in C.R. No. 65 of 2018 for a similar offence and was released on bail by the Sessions Court vide order dated 5th February 2019 passed in Bail Application No. 287 of 2019. She submits that whilst on bail, the aforesaid offence has been committed in May 2019.

5. According to the prosecution, the incident took place on 19.05.2019 at 6.30 p. m., when the Complainant – Moin had come to his house for iftar. The Complainant had alleged that co-accused had a scuffle with him, pursuant to which his uncle – Shabbir intervened in the quarrel. It is further alleged that when Complainant's mother Nasima alongwith her brother-in-law – Mujib reached there, the Applicant pulled out a sickle kept behind the door and handed it over to co-accused Yakub, and Yakub is stated to have assaulted Complainant's uncle with the sickle, pursuant to which he sustained grievous injuries. The Applicant has not assaulted any person. Learned counsel for the Applicant has tendered an Affidavit of the Applicant. The same is taken on record and marked as “X” for identification. The Applicant in the

said Affidavit has undertaken tthat he would be shifting his residence from the jurisdiction of the Wadala Police Station to the Navi Mumbai Police Station. He has also undertaken not to indulge in similar type of crime or any criminal activity in future. He has also undertaken that he will not influence any witness including the present informant or other witnesses or will not tamper with the evidence. Learned counsel for the Applicant states that the Applicant is a student and has got Certificate of Hospitality Food Beverages Services issued by Tata Stride. It also appears that the Applicant has successfully completed his training in practical tanker fire fighting in oil, chemical, liquified gas, a Certificate of proficiency in personal survival technician and in elementary and in security training duty. Although the Applicant is stated to be present, no overt act has been attributed to him. The Applicant is 19 years of age.

6. Considering the aforesaid and the Affidavit filed by the Applicant, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 20,000/-** with one or two local sureties in the like amount;

- (ii) The Applicant shall report to the investigating officer of the concerned police station as & when called for by the investigating officer till the filing of the charge-sheet;
- (iii) The Applicant shall not reside within the jurisdiction of the Wadala Police Station;
- (iv) The Applicant shall inform his latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)