

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1325 OF 2019**

1. Naved Nasir Hussain Shaikh	
2. Shamovail Nadeem Shaikh	...Applicants
Versus	
State of Maharashtra & Anr.	...Respondents

Mr. Prakash S. Jain for the Applicants

Mr. A. R. Kapadnis, A.P.P for the Respondents-State

API Mr. Vilas Pawar from Vikhroli Police Station, is present

The Complainant-Hanif Amin Ansari is present in Court

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26th JUNE 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicants seek pre-arrest bail in connection with C.R. No. 206 of 2019 registered with the Vikhroli Police Station, Mumbai, for the alleged offences punishable under Sections 324, 326, 504, 506, 427, 34 of the Indian Penal Code.

3 Perused the papers. The alleged incident is stated to have taken place on 9th May 2019. With respect to the same incident, there is a cross FIR registered at the instance of the applicant No. 1 with Vikhroli Police Station, Mumbai, which was registered vide C.R. No. 212 of 2019. According to the complainant, in the present C.R. i.e. 206 of 2019, the applicant No. 1 assaulted with stump on the complainant's head as a result of which, the complainant sustained an injury (no fracture). The applicant No. 2 aged 21 years, a student, is alleged to have assaulted the complainant with fist and kick blows and a bat on the complainant's wife's right leg. The injuries sustained are simple in nature.

4 The complainant is present in Court and states that he does not wish to pursue the case and has accordingly written a letter dated 22nd May 2019 to the Senior Inspector of Police, Vikhroli Police Station, wherein, he has stated that under the influence of alcohol, he has named the applicants. The complainant is identified by the Investigating Officer, who is present in Court.

5 Having regard to the peculiar facts and circumstances of this case, the application is allowed and the applicants are granted pre-arrest bail, on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;

(ii) The applicants to cooperate with the investigating agency.

6 The application is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.