

Anand

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

**ANTICIPATORY BAIL APPLICATION NO. 1474 OF 2019**

Afroz Istiyak Khan

.Applicant

Vs.

The State of Maharashtra

.Respondent

Ms Pranothi B. Pawar, Advocate, for the Applicant  
Mr. S. R. Shinde, APP, for the Respondent – State  
Mr. Mhaske, PSI, Kandivali Police Station present

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 11.07.2019**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 223 of 2019 registered with the Kandivali Police Station, Mumbai, for the alleged offences punishable under Sections 323, 326, 504, 506(ii) r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that according to the Complainant, he is alleged to have been assaulted by the Applicant on his abdomen, with a cricket bat. A perusal of the Injury Certificates

produced by the investigating officer shows that the Complainant – Rajendra Bahadur Patel has suffered no external injuries. As far as Vishal Patel is concerned, he has also not suffered any external injuries. As far as Manisha Mourya is concerned, she has sustained a CLW on her head allegedly with the stone, which is stated to be a simple injury. As far as Vikas Patel is concerned, he is also alleged to have sustained CLW on the left parietal region with a stone and the said injury also stated to be a simple injury. As far as the Applicant is concerned, he is alleged to have assaulted the Complainant with a cricket bat and not any other injured. Just because the Applicant has antecedents cannot be a ground to reject the Applicant's Application for Anticipatory Bail. In the facts, doubtful whether Section 326 of the Indian Penal Code will apply to the facts of the present case.

4. Considering the aforesaid, 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 P. R. Bond in the sum of **Rs. 15,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on **15<sup>th</sup>, 16<sup>th</sup> & 17<sup>th</sup> July, 2019** between **10.00 a. m. and 12.00 noon.**

5. The Application is, accordingly, disposed of.

6. Stand over to **19.07.2019.** To be listed on the **Supplementary Board** for recording compliance of attendance.

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

**(REVATI MOHITE DERE, J.)**