

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1720 OF 2019

1. Sajid Anees Ahmed Khan .Applicants
2. Khalid Anees Ahmed Khan
3. Dayam Ali Sayed
4. Abdul Wahab Khan

Vs.

The State of Maharashtra .Respondent

Ms Ruby Shaikh i/b. Mr. Mohammed I. Sheikh, Advocate, for the Applicant

Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.08.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seeks pre-arrest bail in connection with C. R. No. 227 of 2019 registered with the Kurla Police Station, Mumbai, for the alleged offences punishable under Sections 452, 326, 427, 323 r/w 34 of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Asif Malik, the incident took place on 05.06.2019. It is alleged that there was

an argument / altercation between the Applicant No. 1 and the Complainant, the owner of the cloth shop. It is alleged that the Applicant No.1 assaulted the Complainant on his head with a bamboo stick and that the other Applicants are alleged to have assaulted by fist blows.

4. Learned APP has produced the Injury Certificate of the Complainant – Asif Malik. It appears from the Injury Certificate that the Complainant has sustained only one injury i. e. CLW over frontal region of the scalp. The injury is stated to be simple injury. Apart from the said injury, there are no other injuries found on the Complainant. Prima facie, having regard to the nature of the injuries, it is doubtful whether section 326 will apply in the facts.

5. Considering the aforesaid, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicants be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 5,000/- each** with one or two sureties in the like amount;

- (ii) The Applicants shall report to the investigating officer of the concerned police station on the **first Saturday of every month** between **09.00 a. m. and 10.00 a. m.** till the filing of the charge-sheet;
- (iii) The Applicants to cooperate with the investigation.

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

7. It is made clear that the observations made herein are *prima facie*, and are confined to this Application.

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

(REVATI MOHITE DERE, J.)