

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2002 OF 2019

Alam Yusuf Shaikh Applicant

Versus

The State of Maharashtra & Ors. Respondents

Mr. Satish R. Mishra, Advocate for the Applicant.
Ms. P.P. Shinde, APP for the State

PSI, Mr. Sagar, Kandivli Police Station, present.

CORAM : REVATI MOHITE DERE, J.
DATE : 25/09/2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant, aged 19 years, seeks pre-arrest bail in connection with C.R. No.I-341 of 2019, registered with Kandivli Police Station, for the alleged offences punishable under Section 324, 323, 504, 506(II), 427, 34 of Indian Penal Code.

3. According to the complainant, the incident has taken place on 20th June, 2019. In the said incident, the applicant is alleged to have assaulted the complainant-Allauddin Shah with a steel rod below his left eye. In the said incident, the applicant's brother is also alleged to have sustained an injury on his wrist with a chopper.

4. Learned Counsel for the applicant submits that the despite the applicant's brother's statement having been recorded, no F.I.R. has been registered by the police qua the complainant in the present C.R. and other co-accused. Learned APP on instructions of PSI, Mr. Sagar, Kandivli Police Station, who is present in the Court states that the Police have registered an offence under Section 326 etc. of Indian Penal Code, as against the complainant in the present C.R. i.e. C.R. No. 478 of 2019 and other accused, pursuant to the applicant's brother's statement.

5. Learned counsel for the applicant has tendered an affidavit of the applicant, who is present in the Court. In the

said affidavit, the applicant has undertaken not to indulge in any criminal offence. The said affidavit is taken on record.

6. A perusal of the injury certificate of the complainant-Allauddin Shah in the present case, shows that he has sustained an abrasion below his left eye. The said injury is stated to be a simple injury. The applicant is a student, studying in 2nd year Junior College in Nirmal Junior College of Commerce and Science at Kandivli. The incident appears to have taken place on the spur of moment. The Applicant's brother has also sustained a serious injury on his wrist, allegedly by a chopper in the said incident. As noted above, the applicant's side has also lodged a cross complaint as against the complainant in the present incident, with respect to the incident dated 20th June, 2019. Having regard to what is stated aforesaid, the custody of the applicant is not warranted. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :-

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.10,000/-, with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 1st and 3rd October, 2019 from 10.00 to 12.00 hrs. and thereafter as and when called;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the Investigating Officer of the concerned Police Station, in writing;

(v) The applicant shall co-operate with the Investigating Agency.

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

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

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

(REVATI MOHITE DERE, J.)