

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.271 OF 2020

Rehan Raees Khan

...Applicant

Versus

The State of Maharashtra

...Respondents

Ms. Sheeba Khan i/b. Mr. Nizamuddin Khan for the applicant.

Ms. J. S. Lohakare, APP for the respondent-State.

API Sandeep Patil, Dharavi Police Station present.

CORAM : SANDEEP K. SHINDE J.

DATE : January 31, 2020.

P.C. :

. Heard.

2. This is an application filed by the applicant under Section 438 of Criminal Procedure Code, seeking pre-arrest bail.

3. The complainant's son owns a shop in a building where the applicant is residing between whom the quarrel arose on the ground that the complainant's son had allegedly kept trolley at the entrance of the gate and obstructed the applicant's access to the building. In the course of quarrel, it is alleged that the applicant assaulted the

complainant's son by a bamboo stick. The injury certificate shows that the injured has sustained three simple injuries. The co-accused in this case has been granted Anticipatory Bail. The applicant is a student and has no criminal antecedents.

4. *Prima Facie*, it appears that the applicant allegedly assaulted the victim in the heat of passion. In view of the nature of accusation, the kind of injuries sustained by the injured, and in addition, the applicant has no criminal antecedents, the applicant is directed to be released on bail.

5. The Anticipatory Bail Application is, therefore, allowed.

6. In the event of arrest of the applicant in Crime No.470 of 2019 registered with Dharavi Police Station, Mumbai, he be released on bail on his furnishing P.R. Bond of Rs.20,000/- (Rs.Twenty Thousand only) with one or two sureties in the like amount.

7. The applicant shall attend the Police Station concerned as and when called.

8. The applicant shall furnish the particulars of his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, to the Investigating Officer of the Police Station concerned within seven days from today;

9. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

10. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

Vina A.
Khadpe

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[SANDEEP K. SHINDE J.]