

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.471 OF 2020

Safeer Ali Zahir Ali Khan and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.S.K.Ali with A.A.Siddiquie i/by A.A.Siddiquie and Associates for applicants.

Mr.S.R.Agarkar, APP, for State.

Mr.S.A.Sonawane, PSI, Wadala T.T.Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th March 2020

PC :

1. This is an application for anticipatory bail in CR No.37 of 2020 registered with Wadala T.T. Police Station, Mumbai for offences under Sections 324, 323, 504 r/w 34 of Indian Penal Code. Subsequently Section 326 of IPC was added.

2. The case of prosecution is that the complainant was assaulted by applicants with weapons. The applicant no.1 has allegedly given blow on the neck of applicant and applicant no.2 had assaulted on back by knife. The FIR was registered on 2nd February 2020. The applicants had applied for anticipatory bail before Sessions Court, which was rejected.

3. Learned advocate for applicants submits that the applicants have been falsely implicated in this case. The FIR has been registered out of vendetta. Prior to registration of FIR in question,

complaint has been lodged against present complainant by worker of the applicants on 11th December 2019 and the offence bearing CR No.272 of 2019 was registered with Wadala Police Station under Sections 326, 323 r/w 34 of Indian Penal Code. There is no independent witness to support of the prosecution case. The injuries are self inflicted.

4. Learned APP submits that specific role has been attributed to the applicants. He produced injury certificate issued by Sion Hospital, which states that injured had sustained injuries on the neck as well as back. Thus, the version of the complainant has been corroborated by injury certificate.

5. In the light of the allegations of complainant and the injury certificate, which refers to the injuries sustained by the complainant with sharp weapon on neck and back, no case for grant of anticipatory bail is made out. Hence, anticipatory bail application is rejected and disposed of.

(PRAKASH D. NAIK, J.)

MST