

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 893 OF 2020

Jasmuddin Tasaduk Khan Applicant
V/s.
The State of Maharashtra Respondent

* * * *

Mr. Dheeraj Panchange, Advocate for the applicant.

Mrs. Anamika Malhotra, APP for State.

Police Hawaldar, Mr. Borse, Kolsheewadi Police Station
present.

CORAM : SANDEEP K. SHINDE, J.

Friday, 18th December, 2020.

P.C. :

1. Heard learned Counsel for the applicant and
learned APP for State.

2. Quarrel ensued between the complainant and
the applicant on a very petty issue gave rise to cross
FIRs filed with Kolseewadi Police Station. Applicant's
wife, sister and brother are accused in Crime No.

612/2020 registered for the offences punishable under Sections 326, 323, 427, 504 read with Section 34 of the Indian Penal Code. Applicant's wife and sister have been granted pre-arrest bail; whereas, brother has been released on regular bail.

3. Learned Counsel for the applicant, would contend that, applicant is 51 year old person and offence allegedly committed by him was not premeditated. Submission is that, the alleged assault by the broken piece of tile, was in fit of anger. It is further contended that the broken piece of tile allegedly used for inflicting injury has been recovered by the Investigating Officer. Therefore submitted, that applicant's custodial interrogation is not required.

4. Contradicting the arguments, learned APP would submit that the complainant had suffered

grievous injury i.e. skull fracture, certified by the Medical Officer, Janki Global Multispeciality Hospital, Kalyan. Prosecution further submitted that, there were quarrels/disputes also in past between the same parties. Submission is that the injury inflicted on the person of the complainant was on the vital part of the body and therefore even if the broken piece of tile has been recovered, applicant may not be granted pre-arrest bail.

5. In consideration of the material placed before me, in my view, the offence allegedly committed by the applicant being punishable with imprisonment for a term which may extend to 10 years, while keeping in mind nature of injury caused to complainant. I do not think it appropriate to grant pre-arrest protection to the applicant. The application is therefore rejected.

6. After passing this order, learned Counsel for the applicant, sought leave to withdraw the application. Leave is refused. However, if the applicant moves an application for regular bail, the learned Court shall decide the said application independently without being influenced by this order. Application is disposed off.

Neeta
S.
Sawant

Digitally
signed by
Neeta S.
Sawant
Date:
2020.12.18
16:59:55
+0530

(SANDEEP K. SHINDE, J.)