

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.209 OF 2021

Waris Sahid Ali Ansari

Applicant

versus

The State of Maharashtra

Respondent

Mr.Salman Khan for applicant.

Mrs.M.R.Tidke, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th February 2021

PC :

1. The applicant is apprehending arrest in connection with CR No.I-228 of 2020 registered with Bhoiwada Police Station, Bhiwandi for offences under Sections 394, 324, 323, 504 r/w 34 of Indian Penal Code.

2. It is alleged that on 23rd December 2020, informant has altercation with Fauzan and applicant on money transaction. Complaint was filed with Police. On 25th December 2020, brother of Fouzan caught complainant's neck. He was assaulted by fist blows. Fauzan snatched bhis mobile and assaulted him. Applicant came to the spot and assaulted by wooden stick on head. Fauzan and his brother assaulted by first blows. They took Rs.1,500/- from his wallet.

3. Learned APP states that there are two antecedents against applicant. Offence are under Sections 326, 323 of IPC and u/s 354 of IPC.

Manish
S. Thatte

Digitally signed by
Manish S. Thatte
Date: 2021.02.18
17:50:04 +0530

4. There is cross complaint against complainant registered with same Police Station vide CR No.I-229 of 2020 for offences under Sections 394, 324, 323, 504 r/w 34 of IPC. Fauzan was arrested and granted bail. Fawaz Shaikh was granted anticipatory bail. Apparently Section 394 was invoked deliberately. In the facts of the case, relief can be granted to applicant under Section 438 of Cr.PC.

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.I-228 of 2020 registered with Bhoiwada Police Station, Bhiwandi, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not enter into the jurisdiction of Bhoiwada Police Station, Bhiwandi for six months;
- (iv) The applicant shall attend Investigating Officer on 16th, 17th and 22nd February 2021 between 11 am and 1 pm, and thereafter as and when called for till filing of charge sheet;
- (v) The applicant shall not approach the complainant and shall not tamper with evidence.

5. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST