

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 289 OF 2021

1. Rakesh Saginder Sharma
2. Naresh Saginder Sharma
3. Parvati Sanjeet Sharma ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Rajesh S. Sharma And Associates, Advocate for the Applicants.
Mr. Y. M. Nakhwa, APP for the Respondent – State.
Mr. Sanjay Kandalkar, A.P.I., Versova Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th FEBRUARY, 2021

PER COURT:

1. The applicants are apprehending arrest in connection with C.R. No. 396 of 2020 registered with Versova Police Station, Mumbai for offences under Sections 326, 324, 323, 504, 506 r/w Section 34 of Indian Penal Code.

2. The FIR was registered on 27th October, 2020. According to complainant, the applicants are her neighbours. They have dispute over rope used for drying clothes. On 26th October, 2020 at about 10.30 p.m. applicant Nos. 1 & 2 picked up quarrel with complainant's son Aslam. Rakesh @ Pappu assaulted Aslam by fist blows. Complainant intervened to prevent the assault. Aunt of applicant No.2 Parvati intervened. She abused the complainant.

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There was scuffle between them. Rakesh @ Pappu (applicant No.1) caught hands of the complainant and Naresh picked up wooden plank lying at the scene of offence and assaulted the complainant on her forehead. She was taken to Cooper hospital.

3. Learned counsel for the applicants submitted that there is inherent defect in the FIR. The complainant has alleged that Naresh had abused Aslam. It is submitted that Naresh is deaf and dumb from his birth. Reliance is placed on medical case papers. During the pendency of this application, applicant Nos. 2 and 3 were arrested. They were subsequently granted bail on the same day. It is also submitted that from the applicants side FIR was lodged against Aslam and Razia. Naresh had sustained grievous injury. Aslam is absconding.

4. Learned APP submitted that the complainant had sustained grievous injury. He relied upon the injury certificate. Specific role has been attributed to applicant No.2.

5. From the tenor of the FIR it is apparent that the quarrel was ensued between accused and Aslam. Both are neighbours. The complainant intervened. She was allegedly assaulted by wooden plank on her forehead. Cross case has been registered first point of time at the instance of the applicants. Applicant Nos. 2 & 3 were arrested and granted bail. Applicant No.2 sustained injuries. FIR vide

C.R. No. 395 of 2020 was lodged by applicant No.3 against Aslam Shaikh and others for offences under Sections 326, 323, 324, 504, 506 r/w Section 34 of Indian Penal Code. In these circumstances, the applicant No.1 need not be subjected to custodial interrogation. Since applicant Nos. 2 & 3 were arrested, their application become infructuous. Hence, I pass the following order:

ORDER

- (i) In the event of arrest of the applicant No.1 in connection with in C.R. No. 396 of 2020 registered with Versova Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (ii) The applicant No.1 shall attend the investigating officer on 24th, 25th & 26th February, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)