

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 507 OF 2021

Ali Mohammed Khaja Shaikh @ Ali Takla ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Dilip T. Devadiya i/b. Mr. Sanjay Gaikwad, Advocate for the Applicant.

Ms. M. R. Tidke, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 5th MARCH, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. I-771 of 2020 registered with Mumbra Police Station, Mumbai for offences under Sections 307, 141, 143, 147, 149, 324, 323, 504 & 506 r/w Section 34 of Indian Penal Code. The First Information Report (for short “FIR”) was lodged on 29th September, 2020.

2. According to the complainant, he found that some persons were fighting and he tried to intervene. At that time the accused assaulted the complainant with sharp weapon on his chest. The other injured person Vishal Palav was also assaulted by them. According to complainant, he knows the person, who had

Manish
S. Thatte

Digitally signed by
Manish S. Thatte
Date: 2021.03.09
12:41:50 +0530

participated in the quarrel. In the FIR the applicant has not been named. The statement of other injured person Vishal was recorded on 30th September, 2020. In his statement he has attributed overt act to the other accused but the applicant is not shown as participant in the crime. However, subsequently on the same day his supplementary statement was recorded and it was stated that applicant caught hold injured. Another witness has attributed similar role to applicant. However, statement of said witness was recorded on 26th October, 2020.

3. Learned APP submitted that there are criminal antecedents against the applicant. The cases are registered against him at Mumbra Police Station. The cases were registered in 2005, 2008, 2017 & 2019 for offences under Sections 323, 324, 326 & 379 etc.

4. Considering the fact that the applicant was not named as participant and no role was attributed to him, initially relief can be granted to applicant. The applicant need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 507 of 2021 is allowed;

(ii) In the event of arrest of the applicant in connection with C.R. No.I-771 of 2020 registered with Mumbra Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend the investigating officer on 15th, 16th & 17th March, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.

(iv) The applicant shall not tamper with the evidence in any manner and shall not approach the complainant or injured person.

(v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)