

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 527 OF 2021

Arshad Mukhtar Ahmed Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Pankaj Pandey, Advocate for the Applicant.

Mr. R. M. Pethe, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 26th FEBRUARY, 2021.

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 599 of 2020, registered with Shivaji Nagar Police Station, for the offences punishable under Sections 307, 323, 324, 504, 506(ii), 141, 143, 144, 147, 148, 149 of Indian Penal Code, 1860 ("IPC" for short). The First Information Report ("FIR" for short) was registered on 8th November, 2020.

2. The case of the prosecution is that the informant knows the applicant as he resides in same locality. On 6th November, 2020 the marriage of informant's daughter was solemnized, hence his relatives had stayed at informant's house. On 7th November, 2020 the children of informant's relative had caused damage to water pipe while playing. Applicant's mother had slapped the child. Thereafter, there was altercation. Subsequently, the applicant his father, brother

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sister and cousin visited the spot of incident at about 11.45 p.m. Accused No. 1 assaulted the informant with iron rod on head. Due to blow of iron rod she shouted. Her husband came out hearing the shout and tried to separate informant from the accused. The applicant tried to inflict sword injury on the head of informant's husband. Accused No. 4 had assaulted the informant with kick blows. The applicant has allegedly assaulted Shabbir Mohd. Ismail Shaikh on his head which has resulted CLW 2.5 c.m. on left parietal region. The injury is of simple nature.

3. From the applicant side cross FIR was registered with the same police station vide C.R. No. 600 of 2020 for offences punishable under Sections 307, 324, 323, 504, 506(ii), 141, 143, 144, 147, 148, 149 of IPC. In the said cross FIR, Shabbir, Ishrat, Tousif, Fatima and Wasim are implicated as accused. It is the case of the complainant in the cross FIR registered On 7th November, 2020 that accused Shabbir and others had assaulted them.

4. Learned APP pointed out injury certificates which indicate that injured from applicant's side had sustained injuries, which are of simple nature. Considering the fact that there are cross cases. The incident had occurred on minor issue. The applicant need not be subjected to custodial interrogation.

5. I pass the following Order.

ORDER

- i) Anticipatory Bail Application No. 527 of 2021, is allowed;
- ii) In the event of arrest of applicant in connection with C.R. No. 599 of 2020, registered with Shivaji Nagar Police Station, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25000/-(Rupees Twenty Five Thousand Only), with one or more sureties in the like amount;
- iii) The applicant shall report Investigating Officer on 9th , 10th, and 11th March, 2021 between 11.00 a.m. to 12.00 p.m. and thereafter as and when called for, till filing of charge-sheet;
- iv) Application stands disposed of accordingly.
- v) 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.)