

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.551 OF 2021

Omair Nisar Ahmed Usmani	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Gaurav Bhawnani, Advocate for the Applicant.
Ms. Anamika Malhotra, APP for the Respondent – State.
Mr. Padmakar Patil, P. S. I. V. B. Nagar Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 2nd MARCH, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No.22 of 2021 registered with Vinoba Bhave Nagar Police Station, Mumbai for offences under Sections .326, 324, 323, 504, 143, 147, 148, 149 of Indian Penal Code. The FIR was registered on 27th January, 2021.

2. It is alleged that on 24th January, 2019 at about 10.15 p.m. Afroz, Kasif, Sakiya, Sakiya, Omair @ Killu, Nisar Usmani and Mannan threatened complainant Abdul Razak Khan and his nephew and assaulted by bamboo iron rod, chopper causing fracture to finger and inquiry to head of complainant. Bashid was assaulted on his back.

3. Afroz lodged FIR on 25th January, 2021 with the same Police Station for offences under Sections 326, 324, 323, 504, 143,

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147, 148, 149 of IPC. In this FIR it is alleged that on 24th January, 2021 at 22.15 p.m. complainant received call from Omair that he had quarrel with Abdul Rehman. He is assaulted by Abdul, his brothers, Bashit, cousin Abdul Hannan. Complainant went to spot. Omair was assaulted by Abdul Rahim Pathan, Hamid Pathan and Bably Pathan. Complainant intervened. Abdul Hannan came to spot armed with knife, sword, rod. Rahim was armed with sword. Hamid had bamboo, Hannan and Matin were holding iron rod, Bashit was holding knife. They were assaulted. Wife and mother of Afroz were also assaulted.

4. There are no criminal antecedents against applicant. The FIR against applicant was lodged subsequently. Hence, case for granting anticipatory bail is made out.

ORDER

- (i) Anticipatory Bail Application No. 551 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with in C.R. No.22 of 2021 registered with Vinoba Bhave Nagar 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 10th, 11th & 12th March, 2021 between 11.00 a.m. to 1.00 noon

and thereafter as and when called for till filing of charge-sheet.

(iv) Anticipatory Bail Application stands disposed of accordingly.

4. 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.)