

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

BAIL APPLICATION NO. 1344 OF 2021

Mohd. Shehbaz Abdul Garib Ansari ... Applicant

Versus

The State of Maharashtra ... Respondent

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Adv. Fauzan Shaikh, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 8th APRIL, 2021

PER COURT:

1. The applicant is arrested on 16th November, 2020 in connection with C.R. No. 449 of 2020 registered with Dharavi Police Station, Mumbai for offences under Sections 141, 143, 145, 146, 147, 148, 149, 326, 324, 323, 504 & 506 of Indian Penal Code.

2. The case of the prosecution is that on 25th October, 2020 co-accused Javed and his friends were shouting and making gestures. The first informant requested them not to shout as there are small children and female in the house situated at the place of incident. The unknown persons accompanying Javed threatened the complainant and left the place. At about 12.15 a.m. the first informant heard noise and commotion near his shop. The first

informant, Adil, Javed & Ali Hussain were assaulting his brother Mohammed Hussain. One of the assailants was holding iron rod and he had assaulted first informant's brother. The other assailants also assaulted the first informant with iron rod. The applicant had allegedly assaulted the complainant on his head, with iron rod.

3. Three witnesses were assaulted and they had sustained injuries. Injury certificate of complainant to whom, the applicant had allegedly assaulted does not mention nature of injury sustained by him. Co-accused Javed was attributed role of having assaulted to Mohammed Shafique. His injury certificate indicates that he had sustained two grievous injuries. Javed has been granted bail by the Sessions Court. Other accused Ali Hussain who has not attributed any role of assault has been granted bail by the Sessions Court. Learned APP submitted that the applicant is having two criminal antecedents. The offences were registered with Dharavi Police Station under Section 324 of IPC and Section 364 of IPC. The applicant is apparently on bail in those cases. Considering the factual aspects of this matter and since on completing investigation, charge-sheet is filed, bail can be granted to the applicant.

ORDER

- (i) Criminal Bail Application No. 1344 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in

connection with C.R. No. 449 of 2020 registered with Dharavi Police Station, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m till further order;

(iv) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety.

(v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)