

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

ANTICIPATORY BAIL APPLICATION NO. 1008 OF 2021

1. Mohmmad Faizan Khan
2. Mohammad Imran Aslam Khan ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Karan Mertia, Advocate for the Applicants.

Ms. Anamika Malhotra, APP for the Respondent – State.

Ms. Anita M. Tonde (A.P.I.) Goregaon Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd MAY, 2021

PER COURT:

1. The applicants are apprehending arrest in C.R. No. 42 of 2021 registered with Goregaon Police Station, Mumbai for offences under Sections 353, 332 r/w Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered on 28th January, 2021.

2. The complainant is employee working with BEST as conductor. On 27th January, 2021 he was distributing tickets to the passengers who were standing in queue at the bus stop. The applicants were allegedly riding motorcycle. They were trying to pass through narrow lane which is situated between the road and bus stop. The applicants were continuously blowing horn. Since the

complainant objected, he was assaulted with fist blows. Accused also tried to assault him by paver block.

3. Learned counsel for the applicant submits that the applicants were in hurry to visit the place of working. They have not assaulted the complainant. They are not having any criminal antecedents. The applicants are willing to file an undertaking that they would not indulge in similar act in future without prejudice their defence that they are not involved in this crime. It is submitted that undertaking will be handed over to the Investigating Officer.

4. Learned APP submitted that the complainant had sustained simple injuries. Role has been attributed to the applicants. Considering the factual aspects of this matter, the applicants need not be subjected to custodial interrogation. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No.1008 of 2021 is allowed;
- (ii) In the event of arrest of the applicants in connection with in C.R. No. 42 of 2021 registered with Goregaon Police Station, Mumbai, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;

(iii) The applicants shall appear before the investigating officer on 10th & 11th May, 2021 between 11.00 a.m. to 1.00 noon.

(iv) The applicants shall file an undertaking that they will not indulge in similar act in future. The undertaking may be handed over to the Investigating Officer.

(v) In the event of the breach of the undertaking, the anticipatory bail granted to the applicant will be liable to be cancelled and the the prosecution will be at liberty to prefer such application for cancellation of bail.

(vi) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)