

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

ANTICIPATORY BAIL APPLICATION NO. 1031 OF 2021

1. Mr. Khaliqur @ Chand Rehman
Mohd. Ismail Siddique
2. Shafiqur Rehman Mohd. Ismail Siddique ... Applicants

Versus

The State of Maharashtra ... Respondent

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Ms. Dhanashree M. Lad a/w Mr. Abdul A. Khan, for the Applicants.
Mrs. A. R. Tidke, APP for the Respondent – State.
PSI, Rajendra S. Pawar, Shivaji Nagar Police Station, Govandi,
present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 09th APRIL, 2021

PC :

. At the outset, learned Counsel for the applicant, on instructions, submit that the application for applicant No.1 is not pressed and the same may be allowed to be withdrawn.

2. Applicant No.2 is apprehending his arrest in C.R. No.118/2021 registered with Shivaji Nagar Police Station, Mumbai for offence punishable under Section 326, 323, 504 and 34 of Indian Penal Code (for short 'I.P.C.).

3. The case of the complainant is that on 8th March 2021, the complainant approached the applicants for proceeding from the road and questioned them about the previous incident. At that time, applicant No.2 allegedly caught hold of the applicant and applicant No.1 picked up the iron rod which was lying at the place of the incident and assaulted the complainant. Due to assault, the complainant had received injury on his hand which is of grievous nature.

4. Learned Counsel for the applicants submitted that First Information Report (for short 'F.I.R.') was registered against the complainant at the instance of applicant No.1 and while granting anticipatory bail to him, the condition was imposed that he shall not approach applicant No.1. In spite of that in breach of order, he had allegedly confronted applicant No.1.

5. Considering the role attributed to applicant No.2, he need not be subjected to custodial interrogation. There are no criminal antecedents against applicant No.2.

6. Hence, the following order.

ORDER

(i) Anticipatory Bail Application No.1031 of 2020, is

partly allowed;

- (ii) Application of applicant No.1 is not pressed and allowed to be withdrawn;
- (iii) Applicant No.2 is granted anticipatory bail.
- (iv) In the event of arrest of applicant No.2 in C.R.No.118/2021 registered with Shivaji Nagar Police Station, Mumbai, he may be released on bail on executing P.R. bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (v) Applicant No.2 shall report investigating officer on 19th, 20th and 21st April 2021 between 11.00 a.m. to 01.00 p.m..
- (vi) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)