

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1305 OF 2021

Juned Zuber Ahmed Khan

Applicant

versus

The State of Maharashtra

Respondent

Mr.Tariq Khan for applicant.

Mr.Anees Aslam Shaikh for complainant.

Mr.S.S.Pednekar, APP, for State.

PSI Sawant, Deonar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th June 2021

PC :

1. The applicant is apprehending arrest in CR No.174 of 2019 registered with Deonar Police Station for offences under Sections 307, 341, 323, 143, 144, 148, 149, 506(2) of Indian Penal Code and under Sections 3 and 27 of Arms Act.

2. The case of complainant is that on 27th May 2019 the complainant along with his friend were proceeding on motorcycle from Nalasopara. On that day the accused along with co-accused assaulted the complainant. The co-accused Ranjan Rathod had fired at the complainant.

3. The applicant had preferred application for anticipatory bail before Sessions Court. Interim protection was granted to the applicant on 18th July 2019. The interim protection continued for about two years and subsequently application was rejected by order dated 9th April 2021.

4. The contention of the applicant is that on account of enmity he has been falsely implicated in this case. The alleged act of firing was attributed to the co-accused who has been arrested. He was not present at the scene of offence.

5. Learned APP submitted that in the FIR role has been attributed to the applicant. Enquiry was made with the company where the applicant was driving the car and it was found that on the relevant day the applicant was driving OLA car. It would support the contention of the applicant.

6. Learned APP submitted that Abbas Akhtar Shaikh has sustained two injuries which were simple in nature. The person who has fired is in custody. Learned counsel for complainant submits that there are antecedents against applicant. The co-accused was acting at the behest of applicant. Threats were issued to the complainant.

7. The act of firing was attributed to the co-accused who is in custody. The applicant had co-operated with investigation. Interim protection granted by Sessions Court was in force for a period of about two years. Considering the factual aspects, custodial interrogation of applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.174 of 2019 registered with Deonar Police Station, the applicant

be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report Investigating Officer on 5th, 6th and 7th July 2021 between 11 am and 1 pm and thereafter as and when called for;

(iv) The applicant shall not tamper with evidence;

(v) The applicant shall not intimidate the complainant.

(PRAKASH D. NAIK, J.)

MST