

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

ANTICIPATORY BAIL APPLICATION NO. 1542 OF 2021

Shakir Alamgir Khan ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Kunal Phoole, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 2nd JULY, 2021.

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 551 of 2021 registered with Sakinaka Police Station, Mumbai for offences under Sections 452, 326, 323, 504 & 506 of Indian Penal Code (for short “IPC”).

2. The First Information Report (for short ‘FIR’) was lodged on 24th May, 2021 by Chotelal Yadav who is senior citizen. It is alleged that on 23rd May, 2021, while the complainant was taking bath, the daughter of the applicant was playing and the ball thrown by her hit the complainant. The daughter of the applicant was scolded. Thereafter, the applicant had allegedly visited the house of the complainant and assaulted him with wooden bat. The alleged

assault has resulted in fracture to the hip of the complainant.

3. Learned counsel for the applicant submitted that the applicant had not assaulted the complainant. He visited the house. The complainant was questioned on account of the fact that he had scolded the six year old daughter of the applicant. The injuries sustained by him on account of fell on the bat and not on account of alleged assault.

4. Learned APP submitted that the complainant is senior citizen aged about 80 years. The medical case papers refers to the fracture sustained by the complainant. The bat used in the assaulting the complainant was found at the scene of offence.

5. I have perused the FIR and the medical case papers placed for consideration by learned APP. The case papers indicates history of fall and the fracture to the hip. It is not clear as to whether the assault by wooden bat has resulted in fracture. The incident had arisen on petty issue. The bat was found at the place of incident which has been recovered. Considering the factual aspects, the applicant need not be subjected to custodial interrogation.

6. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 1542 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with in C.R. No. 551 of 2021 registered with Sakinaka 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 12th, 13th, & 14th July, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- (iv) The applicant shall not tamper with the evidence.
- (v) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)