

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

ANTICIPATORY BAIL APPLICATION NO. 1447 OF 2021

1. Yunus Abbas Shaikh
2. Tausif Yunus Shaikh ... Applicants

Versus

The State of Maharashtra ... Respondent

**ALONG WITH
ANTICIPATORY BAIL APPLICATION NO. 1446 OF 2021**

1. Tarik Yunus Shaikh
2. Anis Yunus Shaikh ... Applicants

Versus

The State of Maharashtra ... Respondent

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None for the Applicants.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

Mr. S. S. Tonowalkar Pairavi office, D. N. Nagar Police Station,
Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 25th JUNE, 2021

PER COURT:

1. The applicants in both these applications are apprehending arrest in connection with C.R. No.250 of 2020 registered with D.N. Nagar Police Station, Mumbai for offences under Sections 326, 323, 506 r/w Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was

registered by Amjad Sayyed on 14th May, 2020.

2. The complainant has alleged that on the date of incident some garbage was thrown near the place of his work. The complainant questioned as to who has thrown garbage, at that point of time the accused had assaulted him. The accused Tarik Shaikh picked up the iron rod lying at the place and tried to give a blow on the complainant which he tried to evade, as a result of which the iron rod hit the left hand of the complainant. Tausif Shaikh had thrown the cement block on the face of complainant which has resulted in injury. Yunus and Anis caught him. Anis assaulted by iron rod on leg.

3. The applicants had preferred an application for anticipatory bail before the Sessions Court which has been rejected.

4. The contention of the applicants is that the false story has been created by the complainant. FIR has been registered against the opponents vide C.R. No.251 of 2020 for offences under Sections 326, 323 of IPC. Applicant Tausif Yunus Shaikh was assaulted and he had sustained injuries which apparent from the medical case papers annexed to the application.

5. Learned APP submitted that specific role has been attributed to the applicants. As a result of which the complainant had

sustained injuries. They were in the nature of laceration, abrasion and fracture to the nasal bone. The accused in the cross case were arrested. The applicants are having antecedents. Three cases were registered against Yunus Shaikh in 1992, 1996 and one case was registered in 2017 against Tarik Shaikh for offence under Section 326 of IPC and chapter case proceedings were initiated against him.

6. From the documents on record, it is apparent that both the sides had registered complaints against each other. The applicant No.2 had sustained injuries such as incise wound on the scapular region and other injuries reflected in the medical case papers issued by the Municipal Corporation Hospital. In the cross case lodged by Tausif Shaikh who is one of the applicant in the present case it was alleged that the accused therein were causing harassment to sister in law of Tausif and had questioning, he was assaulted by the accused therein with iron rod and knife. In the present case FIR registered vide C.R. No. 250 of 2020. It was alleged that the iron rod was lying at the place of incident. Considering the factual aspects of this matter, the applicants need not be subjected to custodial interrogation.

7. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application Nos. 1447 of 2021 & 1446 of 2021 are allowed;
- (ii) In the event of arrest of the applicants in connection with in C.R. No.250 of 2020 registered with D.N. Nagar Police Station, Mumbai the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall attend the investigating officer on 5th, 6th & 7th July, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for.
- (iv) Anticipatory Bail Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)