

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

ANTICIPATORY BAIL APPLICATION NO. 2017 OF 2021

Mohiuddin Allabakhak Ladkhan ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Ashok Mistri i/by Ms. Kamini Singh, Advocate for the Applicant.

Mr. R. M. Pethe, APP for the Respondent – State.

Mr. Arjun Kudale (A.P.I.) Sakinaka Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 8th SEPTEMBER, 2021.

PER COURT:

1. The applicant is apprehending arrest in C.R. No. 1132 of 2019 registered with Sakinaka Police Station, Mumbai on 25th December, 2019 for offences under Sections 354, 323, 324 & 504 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that there was quarrel on account of parking of two wheeler between the complainant and co-accused Vishal Gor. At that point of time another person Nisha Singh came to the spot and abused to the complainant. Vishal abused and assaulted the complainant with fist blows. The brother of complainant Rajesh Yadav intervened. Sister of the complainant Nirmala Yadav also intervened. The friend of Vishal, Mohiuddin

(applicant) came to the spot. Complainant and Rajesh Yadav were assaulted by wooden stick. The complainant had sustained fracture to little finger and his brother Rajesh Yadav had suffered fracture to left ankle.

3. Cross case was registered at the instance of Nisha Singh on 25th December, 2019 for offences under Sections 354, 323, 509 r/w Section 34 of IPC against Vikram Yadav, Rajesh Yadav and others.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. Co-accused Vishal Gor has been arrested and he has been granted bail. Cross case is registered against the complainant and witnesses. There are no criminal antecedents against the applicant.

5. Learned APP submitted that the Vishal Gor was arrested and granted regular bail. The applicant has been attributed role of assaulting by wooden stick. The complainant as well as his brother sustained injuries in the nature of fracture to little finger and left ankle respectively.

6. From the tenor of the First Information Report it is apparent that the incident had occurred on account of parking of two wheeler. The injured was allegedly assaulted with bamboo

stick. Cross case is also registered. There are no criminal antecedents against the applicant. Vishal was arrested and he has been granted bail. Looking at the nature of dispute and factual aspects of this matter, the applicant need not be subjected to custodial interrogation.

7. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 2017 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with in C.R. No. 1132 of 2019 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 15th, 16th & 17th September, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)