

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

ANTICIPATORY BAIL APPLICATION NO.1106 OF 2020

Javed Firoz Khan

.. Applicant

Versus

State of Maharashtra and Anr.

.. Respondents

.....
Mr.Satish Mishra, Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.
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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 09, 2021.

P.C. :

Applicant is apprehending arrest in connection with C.R.No.47 of 2020, registered with Bhandup police station, Mumbai, for the offences punishable under Sections 326, 324, 323 read with 34 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 2nd February, 2020.

2 The complainant has alleged that on 2nd February, 2020, he had visited hotel at Mulund Goregaon Link road with his friend Santosh, Nambi Rajan, Shaharukh and Suraj Bhandre. At that time, Pappu, Javed (applicant), friend of Javed, Arshad and

others were also sitting in the said hotel for dinner. There was minor quarrel between them on account of seating arrangement. Pappu assaulted Shaharukh by fist blow. There was altercation between both the sides. All of them went out of the hotel. Pappu alias Israr had taken cell phone of Nambi Rajan Konar and he had left on motorcycle. Hence, complainant Avez Imamdar, Suraj Bhandare followed him on motorcycle by Nambirajan Konar. They approached opponents. Pappu, Javed, Munna Mansion and Arshad were accosted. They demanded cell phone of Nambirajan Konar. At that time, Javed removed a knife and assaulted Nambi Rajan Konar on his cheek and left hand wrist. The complainant intervened. Pappu alias Israr assaulted the complainant by flashing blade below his ear and also on his neck. Munna Mansion assaulted Suraj Bhandare by knife. Harshad assaulted by fist and kick blows. Police van reached there. All of them ran away from the place of incident.

3 Applicant was attributed role of assaulting Nambi Rajan Konar by knife on his cheek and hand. Cross FIR was registered at the instance of Pappu alias Israr on 2nd February, 2020 vide C.R.No.48 of 2020, for the offences punishable under Sections 307, 323, 224, 506 and 504 read with 34 of IPC at the

same police station. Avez Inamdar was impleaded as accused. Role of the assault is attributed to Nambi Rajan Konar and others.

4 Learned APP submitted that the applicant was armed with sharp weapon like knife. He assaulted Nambi Rakam Konar.

5 On perusal of the FIR and other documents, it is apparent that there are cross FIRs. Applicant had allegedly assaulted Nambi Rajan Konar. He sustained two injuries in the nature of abrasion with blunt and sharp object on forearm and cheek. Both the injuries are simple in nature. Cross FIR was registered against Nambi Rajan Konar and others for serious offence under Section 307 of IPC.

6 Considering the circumstances, applicant need not be subjected to custodial interrogation and case for bail is made out.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.1106 of 2020, is allowed;

- (ii) In the event of arrest of the applicant in connection with C.R.No.47 of 2020, registered with Bhandup police station, Mumbai, the applicant be released on bail on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer on 16th, 17th and 18th March, 2021, between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for by the investigating officer, till filing of the charge-sheet;
- (iv) Anticipatory Bail Application No.1106 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)