

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2167 OF 2019

Shahe Azam Khan alias Tipu .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Anjali Awasthi, Advocate, for the Applicant
Mr. S. V. Gavand, APP, for the Respondent – State
Mr. R. Sawant, PSI, Kandivali Police Station present

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 06.08.2021

(THROUGH VIDEO CONFERENCING)

P. C.

. This is an Application under Section 438 of the Code of Criminal Procedure, 1973, filed by the aforesaid Applicant apprehending his arrest in Crime No. 82 of 2019 registered with the Kandivali (West) Police Station for the offences punishable under Sections 341, 307, 394, 109 r/w. 34 of the Indian Penal Code, Sections 4 & 25 of the Arms Act and Sections 37(1) and 135 of the Maharashtra Police Act.

2. The aforesaid crime was registered pursuant to the First Information Report lodged by Mr. Deepak Hemraj Gupta. The first informant had alleged that on 02.02.2019, the Applicant abused and threatened him, and later, told his brother that one Shakilbhai had told to eliminate the first informant. It is stated that thereafter, the brother of the Applicant assaulted and caused serious head injuries to Ramkishan Chauhan.

3. The FIR does not prima facie indicate that the Applicant was involved in inflicting injuries either on the first informant or on Ramkishan Chauhan. The Medical Certificate reveals that the injuries sustained by the first informant and Ramkishan Chauhan are simple in nature. The nature of accusation do not warrant custodial interrogation. This is also evident from the fact that no steps were taken to arrest the Applicant since 2019, despite there being no interim protection in his favour.

4. Considering the above facts and particularly, the nature of the allegations levelled against the Applicant, the

Applicant is granted pre-arrest bail on the following terms and conditions :-

O R D E R

- (i) In the event of arrest of the Applicant in C. R. No. 82 of 2019 registered with the Kandivali (West) Police Station, he be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on 11th, 12th & 13th August, 2021 between 10.00 a. m. and 1.00 p. m.;
- (iii) The Applicant shall furnish his current address and mobile contact numbers and / or change of residence or mobile details, if any, to the investigating officer;
- (iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)