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

ANTICIPATORY BAIL APPLICATION NO.2552 OF 2019

Firoz Aklk Farqooui .. Applicant

vs.

The State of Maharashtra .. Respondent

Mr. P.K. Sanghrajka a/w. Ms. Aaishwarya Thorat i/b. Ms. Kusum Pandey for applicant.

Mr. N.B. Patil, APP for the State.

Mr. Tadv Mehebyb Rubat, PSI, Manikpur Police Station.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 30, 2021

P.C.

Heard learned counsel for the applicant.

2. The applicant is seeking pre-arrest bail in respect of the First Information Report (FIR) No. 338/2019 lodged by the Manikpur Police Station under Sections 326, 323, 452, 504, 506, 143, 147, 148 read with 34 of the Indian Penal Code on 28/9/2019. The complainant alleged that on 27/9/2019, at around 9 p.m., the applicant Firoz along with 12 unknown male and 8 unknown female persons entered into the house of the first informant and started assaulting her husband Tahir and sister-in-law Mumtaz with fist and kick blows. The injured victims were then assaulted with wooden stick and other instruments.

3. It is the contention of learned counsel for the applicant that there is a delay of one day in registering the FIR. It is further his contention that the FIR alleges that the premises in question was purchased by the complainant from one Firoz Badale whereas the accusations are made against the applicant Firoz Akinlk Farqooui. There is thus a confusion in the name and that FIR is registered against the applicant only on the basis of the suspicion. Further he submitted that he is ready to co-operate with the investigation and the custodial interrogation is not required as this Court has protected the applicant by an interim order which is operating since 21/11/2019.

4. It appears that the assailants which included the present applicant entered the house of the first informant asking them to vacate the premises at the instance of one builder for whom the applicant is allegedly working with. The medical certificate issued by the Vasai-Virar City Municipal Corporation Hospital in respect of Rizwan Fhatun Tahir Shaikh, one of the injured witness, reveals the history of physical assault in that he suffered abrasion and contusion below right eye. CLW injury 11 cm x 1.5 cm x 1 cm with bone deep over front parietal temporal region. So far as Mumtaz Taufiq Salmani is concerned, she has received injuries on her person which are simple in nature.

5. Learned APP pointed out that on the basis of the statements of the witnesses recorded, atleast three of the assailants are

absconding, have criminal cases of similar nature registered against them with the Nalasopara Police Station.

6. Considering the over all facts and the nature of the serious injuries suffered by one of the victim, in my opinion, this is not a fit case to grant the applicant's pre-arrest bail as thorough investigation is required in the matter.

7. The application stands rejected.

(M.S.KARNIK, J.)

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