

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

ANTICIPATORY BAIL APPLICATION NO. 2663 OF 2018

Mohammad Fazal Iqbal Qureshi @Choti ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Anjali Awasthi, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

PSI – A. M. Mahadik, Shivaji Nagar Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th AUGUST, 2021

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.403 of 2018 registered with the Shivaji Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 307, 506(2), 504 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that no offence as alleged under Section 307 of the Indian Penal Code is disclosed, qua the

applicant. She submits that the applicant is alleged to have assaulted the injured on his wrist and that there is nothing to show that the said injury was serious or grievous. She submits that infact the applicant and the complainant have amicably settled their dispute and that the complainant has informed the police that he had inadvertently mentioned the name of the applicant and that it was not the applicant who actually assaulted him with the weapon.

4. Learned APP opposes the application.

5. Perused the papers. The incident is alleged to have taken place on 24th August 2018 at about 11:00 p.m. It is alleged by the complainant that when he asked one rickshawala as to why the shops were closed, the applicant and other co-accused came at the spot, threatened and abused him and thereafter the applicant allegedly assaulted him with a sword. A perusal of the injury certificate of the complainant shows that the complainant has received a small injury on the dorsum of forearm. It is not stated whether the injury is simple or grievous. There is nothing to show that the complainant was even admitted to the hospital, pursuant to the said injury.

6. Considering the aforesaid, having regard to the peculiar facts, the interim protection granted by this Court (Coram:Prakash D. Naik, J.) vide order dated 22nd December 2018, stands confirmed on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant shall co-operate in the conduct of the trial.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application. It is also made clear, that the present application is decided on merits and not because the applicant has settled with the complainant.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.