

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.73 OF 2022

Mudassar Zakir Sayyed ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Amey Deshpande for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent –State.

CORAM : C.V. BHADANG, J.

**DATE : 13 JANUARY 2022
(Through Video Conferencing)**

**NILAM
SANTOSH
KAMBLE**

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NILAM SANTOSH
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Date: 2022.01.13
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P.C.

. The Applicant apprehending arrest in connection with the investigation of Crime No.304 of 2021 registered with Mumbai Naka Police Station, Nashik under section 323, 324, 504, 506, 326 read with Section 34 of the Indian Penal Code, is seeking anticipatory bail.

2. The prosecution case as disclosed from the complaint lodged by the informant Musir. Gulab Shaikh on 5 December 2021 shows that while the complainant was taking tea in JPS Restaurant at Ravi Shanker Marg, Nashik, the Applicant who was present there had offered to make payment for the tea which was refused by the complainant. Annoyed by this the Applicant is

alleged to have assaulted the informant by “fighter” resulting into informant sustaining injuries. The co-accused Irfan Sayyed who was present, also assaulted the informant by fist and kick blows.

3. The learned Sessions Judge had initially granted interim protection to the Applicant and the co-accused Irfan Sayyed. However, by an order dated 1 January 2022 the anticipatory bail application of the present Applicant has been rejected. The learned Sessions Judge however has granted pre arrest bail to the Accused No.2 Irfan Sayyed.

4. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor.

5. *Prima facie* the genesis of the incident is not clear. If at all the Applicant had expressed his desire to clear the bill for the tea of the informant, which the informant refused, there was no reason for the Applicant to be annoyed.

6. Be that as it may, the perusal of the order passed by the learned Sessions Judge shows that the informant had sustained simple injuries. Considering the overall circumstances, I find that the Applicant can be directed to join the investigation. Hence the following order.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.304 of 2021 registered with Mumbai Naka Police Station, Nashik the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall attend concerned Police Station on 24 and 25 January 2022 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and applicant shall co-operate with the Investigating Agency.

(iii) The applicant shall not contact/influence or threaten or pressurize the complainant or otherwise tamper with the prosecution evidence/witnesses.

(iv) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.