

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

ANTICIPATORY BAIL APPLICATION NO. 492 OF 2022

Mohd. Shahid @ Asif Sajid Shaikh Applicant
Versus
The State of Maharashtra Respondent

Mr. Shaikh Asif Ali i/b. M/s. A. A. Siddiquie and Associates for
Applicant.

Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.600 of 2020 registered at Shivaji Nagar Police Station, Mumbai, under sections 307, 324, 323, 504, 506(2), 141, 143, 144, 147, 148, 149 of the Indian Penal Code (for short 'IPC'), under sections 4, 25 and 27 of the Indian Arms Act and under sections 37(1)(a), 135 of Maharashtra Police Act.

2. Heard Mr. Asif Ali, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is

lodged by one Gulnaj Bano Muqtar Shaikh on 08/11/2020. She has stated that, her family and applicant's family are residing in the same area and both the families were knowing each other. On 07/11/2020, on some trivial incident, at about 11.45p.m. the applicant's family members picked up a quarrel with the informant's family. They hurled abuses. One Ahmed came with a sword. One Wasi was also carrying sword. The applicant came with an iron rod. They started assaulting family members of the informant. The allegations against the applicant are that, he gave a blow with iron rod which was landed on one Fateh Mohammad. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the incident is old and the injuries suffered are simple in nature. The allegations in the F.I.R. are exaggerated and because of previous enmity the applicant is falsely implicated. The investigation against other accused is over and the applicant's custodial interrogation is not necessary.

5. Learned APP opposed this application. She relied on the statements given in the F.I.R., as well as, statements given by

other eye witnesses namely Nasreen Shaikh, Sajid Shaikh, Jasmin Shaikh and injured Fateh Mohammad Shaikh. The narration in the F.I.R. is supported by eye witnesses. However, injury certificates show that Gulnaj Bano Shaikh had suffered two simple incised wounds on her fingers. Fateh Mohammad Shaikh had suffered linear abrasion on his back. The nature of weapon was mentioned as blunt and injury was described as simple. Mustak Shaikh had suffered blunt trauma. The nature of injury was simple. Learned APP submitted that Nasreen Shaikh had also suffered simple injury on her head.

6. I have considered these submissions. Learned counsel for the applicant also relied on the order passed in the case of Wasi Ahmed Shaikh on 06/01/2022 in A.B.A.No.3201 of 2021, whereby, that accused Wasi was granted anticipatory bail. In my opinion, parity applies in the case present applicant, as well. The role attributed to him is of causing simple injury having been caused by blunt weapon. The incident is old. Custodial interrogation of the applicant is not necessary. Therefore, he can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.600 of 2020 registered at Shivaji Nagar Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)