

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

ANTICIPATORY BAIL APPLICATION NO. 1044 OF 2022

Sanaullah Alamgir Khan

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Ms. Anjali Awasthi for the Applicant.

Ms. S.S. Kaushik, APP for the State.

Mr. Rasal, PSI, Kurla Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th APRIL, 2022.

P. C. :-

1. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.623/2021 registered with Kurla Police Station, Mumbai for offences punishable under sections 120-B, 143, 144, 148, 307, 452, 504, 506 r/w. 149 of the Indian Penal Code.

2. Heard Ms. Awasthi, learned counsel for the Applicant and Ms. S.S. Kaushik, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Nilesh Kondalkar. The FIR prima

facie reveals that on 06/12/2021 at about 08:50 p.m., the Applicant and others entered the house of the complainant armed with swords. The complainant alleges that the co-accused tried to inflict a blow of sword on his head. He averted the blow, but in the course he sustained injury on his hand. The Applicant also tried to inflict an injury by sword but when the complainant gave a blow on his chest, the sword fell down from the hands of the Applicant and the co-accused – Tabrez picked up the said sword and assaulted the complainant.

4. The medical certificate prima facie reveals that the complainant had sustained four injuries. The Doctor has not specified the nature of the injuries. Though he has classified these injuries as grievous injuries, prima facie, there is no material on record to indicate that these injuries are covered under any of the eight clauses of section 320 of IPC.

5. The material on record does not indicate that the Applicant had inflicted any injury on the complainant. Moreover, the complainant had not sustained any injury on his vital parts, hence, prima facie, there is no material indicating intention to cause death of the complainant.

6. Considering all the above facts and circumstances, the Applicant is entitled for pre-arrest bail. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.623/2021 registered with Kurla Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer of the Kurla Police Station once in every two months on 1st Monday until further orders ;

(c) The Applicant shall not interfere with the complainant and other witnesses and shall not tamper with the evidence in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2022.04.22
19:49:28 +0530

(SMT. ANUJA PRABHUDESSAI, J.)