

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1203 OF 2022

Mohammed Imtiaz Baig & Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

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Mr.Subhradeep Banerjee i/b Mr.Khalid Shaikh for the Applicant.

Ms.A.A.Takalkar, A.P.P. for the State/Respondent.

Mr.A.L.Gavankar, P.I. and Mr.Rajesh Shinde, P.I., attached to Vakola Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 05th JULY, 2022

P.C:-

1. In furtherance of the order dated 27/06/2022, the learned A.P.P. submits two explanations. As far as the invocation of Section 307 in C.R.No.257 of 2020 is concerned, she has placed on record the medical certificate of Ayub Qureshi, which record blunt injuries all over the body and a head injury. From the perusal of the said certificate, it can be seen that no further details are given about the injuries

sustained by Ayub on his head, either by its description or the portion of head on which the injury is sustained. In any case, she submits that since, there was a head injury and the intention of the assailant was apparent to assault him in his head, which is a vital part of the body, Section 307 has been invoked.

2. As far as the second query as to why the provisions of the POCSO Act are not invoked in C.R.No.254 of 2022 where the statement of a minor girl, aged 16 years is recorded is concerned, she states that on 04/05/2022, the provisions of the POCSO Act have been invoked in the said C.R.

3. On 04/05/2022, the applicants were admitted to the interim protection from arrest by recording that there are cross FIRs and the FIR lodged by applicant No.1 was prior in point of time and even the applicants have suffered severe injuries. This fact is not disputed by the learned A.P.P. and the investigation do reveal that there are cross FIRs and the applicants have also sustained injuries. In the wake of the above, since it appears that the brawl occurred on account of demolition of the house of the complainant under SRA project, which resulted in verbal altercation and scuffle between the two families, the order dated 04/05/2022 deserves to be

confirmed and it is accordingly confirmed. It is, however, made clear that the applicants shall not indulge with the complainant and his family in any manner and upon any such incident being reported, the prosecution will be at liberty to seek cancellation of bail.

(SMT. BHARATI DANGRE, J.)