

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1762 OF 2022**

Shahnavaz Ikramuddin Shaikh & Anr.] ... Applicants

Vs.

The Senior Police Inspector, Meghwadi]
Police Station & Anr.] ... Respondents

...

Mr. Mateen Shaikh with Mr. Afrin Khan for the applicant.

Ms. Anamika Malhotra, A.P.P. for the State.

Mr. Anand A. Bhagat, PI attached to Meghwadi Police Station is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 05TH JULY, 2022.

P.C.:-

1. The applicants are apprehending their arrest in connection with C.R. No.330 of 2022 registered with Meghwadi Police Station, Mumbai, invoking offences under Sections 323, 324, 326, 143, 147, 148, 149, 504, 506(II) of the IPC.

2. The C.R. came to be registered on a complaint of Manish Chaturvedi, who stated that he was present in the petrol pump on 21/05/2022 and, at that time, two unknown persons, aged 20 to 22, were present in the queue for their turn to fill the petrol. They filled up the petrol of Rs.100/-, but on the pretext of some drops of petrol fell out of the petrol tank, refused to pay the money. The complainant, who was present there, asked them to pay the money, but they refused and they abused and pushed the complainant.

3. The applicants left on their vehicle and the vehicle number was noted by the complainant. Immediately, thereafter, when the complainant was present near the washroom at the Service Station, he was assaulted on his head. Eight to ten unknown persons present there, kicked him and also gave him blows. The complainant has stated that he sustained injuries on his leg, back and chest and the police arrived at the spot. In the complaint, he states that he sustained fracture on his left leg and on account of the head injury, he was given 12 to 14 stitches.

4. In the wake of the accusations and, in order to ascertain the injury sustained by the complainant, learned A.P.P. was asked to produce on record the medical certificate of the complainant. She has placed on record, the medical papers from MCGM Hospital at Jogeshwari, which referred to a head injury and the

injuries are described as CLW over parietal region of 3/1/0.5 c.m. and 4/0.5/1 c.m. The patient is reported to be conscious and is oriented and given the history on his own words. On the C.T. scan being performed, it referred to the presence of soft tissues on left parietal region.

5. On specifically asked as to on what basis, the applicants are arraigned as accused, learned A.P.P. states that the CCTV footage, which had recorded the presence of the persons and, the present applicants are identified.

6. Learned A.P.P. admits that though the C.C.T.V. footage is recovered through the panchanama, there is no identification of the persons in the CCTV footage, recorded in the panchanama. The aforesaid fact, warrants a protection in favour of the applicants. Hence, the following order:

ORDER

- (a) In the event of arrest, the applicants – **Shahnavaz Ikramuddin Shaikh** and **Amir Firoz Shaikh** shall be released on bail in C.R. No.330 of 2022 registered with Meghwadi Police Station, District Mumbai on executing P.R. bond to the extent of Rs.25,000/- each and furnishing one or two sureties of the like amount.

(b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The applicants shall report to the Meghwadi Police Station, Dist. Mumbai on every Thursdays and Saturdays for two weeks and, thereafter, as and when directed by the Investigating Officer.

7. The application is allowed in the aforestated terms.

8. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]