

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2472 OF 2022

Asif Mukhtar Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 2488 OF 2022

Amjum Sikandar Shaikh and anr .. Applicant
Versus
The State of Maharashtra .. Respondent

Adv. Moin Khan for the applicant in ABA No.2472/2022
Mr.Hassnain Kaazi Sayyed for applicant in ABA 2488/2022.
Ms.A.A.Takalkar, APP for the State.
Mr.S.D. Patil, PSI from Shivaji Nagar police station.

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CORAM: BHARATI DANGRE, J.
DATED : 21st SEPTEMBER, 2022

P.C:-

1. The applicants in the two applications are arraigned as accused in cross CRs, lodged by one party against the other, in form of C.R.No. 820 and 821 of 2022.

In ABA No. 2488 of 2022, the two applicants Ms. Anjum Shaikh and Nazia Sayyed are seeking protection from arrest in C.R.No. 821 of 2022, registered at the instance of Asif Muktar Khan

with Shivaji Nagar police station, which invoke sections 323, 324, 326, 504 read with 34 of IPC.

When the complaint is carefully perused, it is alleged that the complainant had parked his two wheeler near the wall and while he was taking out his vehicle, a person residing in the neighbourhood, Faizan was passing by. Since the lane was narrow, Faizan asked him to take out the vehicle promptly and a quarrel ensued between them. It is alleged that Faizan started abusing and when asked, he pushed the complainant and made a phone call to someone, as a result his brother Kamran along with two friends arrived on the spot, being armed with swords and even his mother, sister and some people participated in the incident.

2. When the complaint is perused, as far as the two applicants are concerned, the role attributed to them is general in nature as the complainant in the gist of the accusations has stated that Kamran, Faizan, their mother Anjum, and sister Nazia assaulted the complainant, his brother Vikram and his brother in law Imran by bamboo and also abused them. No specific role is attributed to the present applicants.

In the wake of the above, they deserve protection from arrest,

as the role attributed to them has clearly surfaced through the aforesaid complainant.

3. The applicant Asif Mukhtar Khan, who face accusation in CR No. 820 of 2022, which invoke under sections 307, 354, 324, 504 read with 34 of IPC and it is registered at the instance of Sayyed Gulfam Ahmed. On perusal of the complaint, a limited role is ascribed to the applicant, to the effect that his brother asked Asif to move his two wheeler vehicle when he was abused, and Asif caught hold of him by his collar and pushed him against the wall and started abusing him, and he was also assaulted. Some people were called by Aasif and the incident of assault took place.

The learned APP has placed on record the injury certificates of Kamran, Nazia and Anjum. Kamran has sustained grievous injury on anterior abdomen wall. However this injury is attributed to Javed. Other injured have sustained simple injuries, and considering the role attributed to the applicant in the complaint, he is not the author of the said injuries. In the wake of the above both the applications are allowed.

Hence the following order:-

ORDER IN ABA NO. 2472/22

(a) Applicant -Asif Mukhtar Khan shall be released on bail in connection with C.R.No.0820 of 2022 registered with Shivaji Nagar Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(c) The applicant shall mark his attendance before the concerned police station on 27/09/2022 and 28/09/2022, and thereafter as and when directed.

ORDER IN ABA NO. 2488/2022

(a) Applicant – Anjum Sikandar Shaikh, Applicant-Nazia Parveen Vakil Sayyed shall be released on bail in connection with C.R.No.0821 of 2022 registered with Shivaji

Nagar Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.

(b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(c) The applicants shall mark their attendance before the concerned police station on 29/09/2022 and 30/09/2022, and thereafter as and when directed.

(SMT. BHARATI DANGRE, J.)