

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

ANTICIPATORY BAIL APPLICATION NO. 2903 OF 2021

Yusuf Naeem Khan & Anr.	 Applicants
Versus	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 2970 OF 2021**

Taufique Shabbir Shaikh	 Intervenor.
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In the matter between:

Yusuf Naeem Khan & Anr.	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Ansh Karnawat a/w. Mikhail Dey i/b. Brahmanand Dube for Applicants.

Mr. Sandesh D. Inamdar i/b. B. A. Lawate for Intervenor.

Ms. Rutuja Ambekar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 2nd FEBRUARY 2022
(through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 1391 of 2021 registered at Sakinaka

Police Station, on 27/10/2021, under sections 326, 323, 504, 506 and 427 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Ansh Karnawat, learned counsel for the applicants, Shri. Sandesh Inamdar, learned counsel for the Intervenor and Ms. Rutuja Ambekar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Taufique Shaikh on 27/10/2021. He has stated in his F.I.R. that, his father in law Abdul Ansari had lost his job and, therefore, he was earning his livelihood by selling small toys for children. The informant was knowing both the applicants as they were from the same area and they were in garment business.

4. On 26/10/2021, when the informant went to his father in law's house, he saw that quarrel was going on between his father in law and a tempo driver. At that time, the applicant No.1 intervened in the quarrel and started quarreling with the informant's father in law. The informant intervened. The applicant No.1 threatened him and then left the place. At about 5.00p.m. on that day, both the applicants threw away the toys which the informant's father in law was selling. The informant was in that

vicinity. He heard noise and went at the spot. He saw that, both the applicants were abusing the informant's father in law. The applicant No.1 started beating informant's younger sister in law. They were threatening father in law of the informant. The F.I.R. specifically mentions that, one Sajid brought an iron rod and gave it to the applicant No.1. The applicant No.2 caught hold of the informant and the applicant No.1 gave a blow with an iron rod on his head. Both the applicants then abused and threatened the informant and left the place. The informant was taken to the Rajawadi Hospital. He was admitted there as indoor patient and then this F.I.R. was lodged.

5. Learned counsel for the applicants submitted that the allegations in the F.I.R. are not true at all. Both the applicants are implicated falsely at the behest of informant's political masters. The applicant No.1 was having good political reputation. Therefore, he in particular is involved falsely in the present offence. The applicant No.2 is not attributed any serious role. He further submitted that the applicants themselves have suffered injuries at the hands of informant and his group and yet due to

political pressure the police have not recorded the F.I.R., which the applicants wanted to lodge against the informant in this case. He submitted that, therefore, anticipatory bail should be granted to the applicants.

6. Learned APP, as well as, learned counsel for the intervenor opposed this application. Learned APP produced the investigation papers before me. She also relied on the injury certificate of the informant.

7. I have considered these submissions. So far as, injuries caused to the informant are concerned, there is a injury certificate issued by Rajawadi Hospital. The informant had suffered one laceration of size 5cm x .5cm x .5cm. on left parietal region, caused by sharp weapon. The injury was described as grievous injury. Though the weapon is described as sharp, however, the injury is on the head and, therefore, had caused laceration. More importantly, the injury is described as grievous injury. Thus, the informant had suffered a grievous injury on the vital part of his body i.e. on his head. Therefore, the offence assumes more seriousness. As against that, the applicant No.2 had suffered CLW

over left arm for which stitching was done. The applicant No.1 had suffered trauma to his right hand. However, no further details are available except such mentioning in the medical reports. The incident is dated 26/10/2021. If the police had not taken cognizance of the applicants' complaint, they always had an option to approach the Magistrate's court and get an order under section 156(3) of the Cr.p.c. Since October 2021, no steps were taken by the applicants and no plausible reason is offered for the same. Therefore, at this stage, it is not possible to observe that the informant or somebody from his group was responsible for causing injuries to the applicants. In any case, the informant himself had suffered a grievous injury as mentioned above. The investigation shows that, there are eye witnesses to the incident namely Saudagar Kokane, Fam Abdul Rehman Mo. Rauf Ansari, Mohammad Rashid Mohamad Rafique Ansari, Smt. Arshiya Jumman Salad Jumman, Mohammad Rauf Ansari, Salam Husain Jummal and Abdul Rahim Ansari who is father in law of the informant. They have corroborated the case of the informant. Thus, there is sufficient corroboration to the informant's case. He

had suffered grievous injury on head. Specific roles are attributed to both the applicants. Therefore, their custodial interrogation is necessary. If the applicants have grievance about injuries caused to them, they have remedies available. However, they are not entitled for anticipatory bail order in this application.

8. The Application is rejected.

9. With disposal of this application, the interim application does not survive and it is also disposed of accordingly.

(SARANG V. KOTWAL, J.)