

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

ANTICIPATORY BAIL APPLICATION NO.2923 OF 2021

Mr. Islam Mohammed Ali Pathan .. Applicant
v/s.
The State of Maharashtra .. Respondent.

Mr. Anees Shaikh, for the Applicant.
Smt. A. A. Takalkar, App for the Respondent-State.
API Mr. Sawant, Unit 12, DCB, CID Mumbai, present.

CORAM: SARANG V. KOTWAL, J.
DATED : 5th JANUARY, 2022.
(THROUGH VIDEO CONFERENCING)

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PC:-

Applicant is seeking anticipatory bail in connection with CR No.534 of 2020 dated 9th October, 2020 registered at Shivaji Nagar Police Station, Mumbai under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code.

2 Heard Mr. Anees Shaikh, learned Counsel for the Applicant and Smt. Takalkar, learned APP for the Respondent-State.

3 The FIR is lodged by Raees Ali Pathan who is uncle of the present Applicant. He has stated that he had dispute about possession of a room with his elder brother Mr. Mohammed Ali Ashiq Ali Pathan. Applicant is Mohammed Ali Pathan's son. Because of the dispute, the informant was residing separately near his in-laws house. After about six months residing there, he came back to his room on 9th October, 2020 at about 5.30 p.m. At that time, Applicant and his father were in the house. Applicant's elder brother started abusing him and his son brought iron rod

and assaulted on the right side of the head of the informant. After that, Applicant and his son went away. The informant was admitted in nearby hospital for treatment.

4 The learned APP opposed this application by relying on the FIR and medical report.

5 I have considered these submissions. It is difficult to believe that applicant is implicated falsely. However, the medical certificate shows that the injury is simple in nature. Thus, though the Applicant had ample opportunity to cause more damage, there is only one injury which was simple in nature. Therefore, the custodial interrogation is not necessary . Hence, the following order:-

6 Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.534 of 2020 registered with Shivaji Nagar Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL,J.)