

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2837 OF 2022

Yunus Salim Shaikh

....Applicant

vs.

The State of Maharashtra

...Respondent

....

Mr. Khwaja Shaikh, a/w. Mr. Abhay Dalal, for the Applicant.

Mrs. Rutuja Ambekar, APP, for State.

Mr. Masal, PSI, D.N. Nagar Police Station, present.

....

CORAM : BHARATI DANGRE, J.

DATE : 19 OCTOBER 2022

P.C.:

Learned APP, on instructions of the Investigating Officer, makes a categorical statement that the injury certificate of the complainant being obtained, the offence invoked is under Section 326 read with Section 427 of IPC, as no fracture is noticed. The Investigating Officer makes a categorical statement that the custodial interrogation of the Applicant is not necessary.

2. Pursuant to the earlier order dated 13 October 2022, the Investigating Officer states that a complaint was filed by the Applicant, but no CR was registered. The attention of the Investigation Officer is

invited to Section 154 Cr.P.C. and the Constitutional decision in case of Lalita Kumari vs. Govt. of U.P. & Ors.¹ which has held that when any cognizable offence is brought to the notice of the Investigating Officer, it is imperative for him to register an FIR, if an offence is made out.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest, the Applicant – Yunus Salim Shaikh shall be released on bail in connection with C.R.No.685 of 2022 registered with D.N. Nagar Police Station, Mumbai on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall mark his attendance before the concerned police station as and when called for.
- (d) 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.

(SMT. BHARATI DANGRE, J.)

¹ 2014(2) SCC 1