

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2871 OF 2022

Arbaz Mohammad Miya Khan .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Ms.Shabnam Shaikh for the applicant.
Mr. S.H.Yadav, APP for the State.
PSI Sukumar Pote from RCF police station.

CORAM: BHARATI DANGRE, J.
DATED : 14th OCTOBER, 2022

P.C:-

1 The applicant is apprehending his arrest in C.R.No.561/2022 registered with RCF police station which invoke Section 307, 326, 506 II, 323, 34 of IPC r/w Section 37(1)(a) and 135 of Maharashtra Police Act.

 The complainant is one Jaihind Nisar, who narrated an incident dated 22/8/2022, when he was cleaning his stall from where he sold the eatables. Near the stall, one Manoj was chatting with his friend Dharmendra Sharma. At that time, Arif, and Arbaz - the present applicant approached the stall and ordered Chinese Food and on being told that he is no longer catering in the Chinese items, it is alleged that Arif started abusing and Arbaz

pulled him up by his collar and assaulted. It is then alleged that one Raja Tadi assaulted Manoj by stump on his back and arm. Arif is alleged to have pulled a knife and assaulted Manoj on his temporal region and right hand arm and back. The present applicant is attributed a role of assaulting Manoj by kicks and blows.

When the complainant came to the rescue of Manoj, he is also alleged to have been assaulted. When the learned APP is asked to produce the injury certificate to ascertain on what basis Section 307 has been invoked, he states that the injury certificate is not yet obtained. The medical papers, however, reveal injury to his forehead and back. The role attributed to the applicant, is however, clearly surfacing from the complaint as he is alleged to have assaulted by kicks and blows when Manoj fell to the ground.

2 In the wake of the above circumstances, the custodial interrogation of the applicant is not necessary. He shall, however render his co-operation to the Investigating Officer. Hence, the following order :

ORDER

- (a) In the event of his arrest, the Applicant - Arbaz Mohammad Miya Khan in connection of C.R.No.561/2022 registered with RCF police station shall be released on bail on furnishing P.R.

bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall attend the concerned Invesigating Officer on 19th and 20th October between 2.00 pm to 5.00 pm and thereafter as and when required.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)