

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

ANTICIPATORY BAIL APPLICATION NO. 3201 OF 2021

Wasi Ahmed Shaikh

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Asif Ali i/b. M/s. A. A. Siddiquie and Associates for Applicant.
Smt. A. A. Takalkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th JANUARY, 2022

(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.600 of 2020 registered at Shivaji Nagar Police Station, Mumbai, under sections 307, 324, 323, 504, 506(2), 141, 143, 144, 147, 148, 149 of the Indian Penal Code (for short 'IPC'), under sections 4, 25 and 27 of the Indian Arms Act and under sections 37(1)(a), 135 of Maharashtra Police Act.

2. Heard Mr. Asif Ali, learned counsel for the applicant and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is

lodged by one Gulnaj Bano Muqtar Shaikh on 08/11/2020. She has stated that, her family and applicant's family are residing in the same area and both the families were knowing each other. On 07/11/2020, on some trivial incident, at about 11.45p.m. the applicant's family members picked up a quarrel with the informant's family. They hurled abuses. The applicant's father came with a sword. The applicant was also carrying sword. Their relative Asif came with iron road. They started assaulting family members of the informant. The allegations against the present applicant are that, he gave a blow with sword on one Fateh Mohammad. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the incident is old and the injuries suffered are simple in nature. The allegations in the F.I.R. are exaggerated and because of previous enmity the applicant is falsely implicated. The investigation against other accused is over and the applicant's custodial interrogation is not necessary.

5. Learned APP opposed this application. She relied on the statements given in the F.I.R., as well as, statements given by

other eye witnesses namely Nasreen Shaikh, Sajid Shaikh, Jasmin Shaikh and injured Fateh Mohammad Shaikh. Fateh Mohammad Shaikh has stated that the applicant had also assaulted Fateh Mohammad's wife. This narration in the F.I.R. is supported by eye witnesses. However, injury certificates show that Gulnaj Bano Shaikh had suffered two simple incised wounds on her fingers. Fateh Mohammad Shaikh had suffered linear abrasion on his back. The nature of weapon was mentioned as blunt and injury was described as simple. Mustak Shaikh had suffered blunt trauma. The nature of injury was simple. Learned APP submitted that Nasreen Shaikh had also suffered simple injury on her head.

6. I have considered these submissions. It appears that narration in the prosecution case is slightly exaggerated as all these injuries supposedly caused by the applicant are mentioned as having been caused by blunt weapons. Be that as it may, the injuries are simple in nature. The incident is old. Therefore, custodial interrogation of the applicant is not necessary. However, learned APP pointed out that there is one criminal antecedent against the applicant under section 326 of IPC, therefore, certain

conditions are required to be imposed.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.600 of 2020 registered at Shivaji Nagar Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing P. R. 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 once in every week for a period of three months from today. In addition, the applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)