

GRM

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

ANTICIPATORY BAIL APPLICATION NO. 3374 OF 2022

ARBAAZ RAFIQ ABDUL RAUF SHAIKH @
ABID

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Mohsin Shaikh, Adv. for the applicant.

Mr. S. H. Yadav, APP for the Respondent-State.

Mr. Borhade, PI (IO) attached to D. N. Nagar Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 5, 2022.

P.C. :

1. Heard learned Counsel for the applicant.
2. This is an application for pre-arrest bail in respect of C.R. No. 920 of 2022 registered with D. N. Nagar Police Station, Mumbai, for the offence punishable under Sections 307, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 with Sections 37(1)(c) & 135 of Bombay Police Act with Section 25 of the Arms Act, 1959.
3. The applicant is the original accused no. 2 in respect of the aforesaid crime. The first informant is Sameer Abdul Kadar Shaikh. It is the contention of first informant that on

27/09/2022, four accused at around 12.30 a.m. had a fight with the informant. The applicant brought a sword from his house. Accused Shahid took that sword in his hand. It is alleged that applicant's brother Shahid Shaikh abused the first informant and gave a blow with the sword on his head. Accused Shahid Shaikh has been arrested and he is in custody. The injury sustained by the brother of first informant, though on the vital part of the body, was simple in nature. The injury is attributed to accused Shahid Shaikh. Other co-accused nos. 3 & 4 have been granted pre-arrest bail vide order dated 29th November, 2022.

4. It is submitted by the learned Counsel for the applicant that he is willing to co-operate with the investigation. There is nothing to be recovered at his instance.

5. Considering the nature of involvement of the applicant, in my opinion, the applicant deserves to be released on pre-arrest bail. Hence, the following order is passed :-

ORDER

(a) In the event of arrest of applicant in connection with C.R. No. 920 of 2022 registered with D. N. Nagar Police Station, the applicant Arbaaz Rafiq Abdul Rauf

Shaikh shall be released on bail on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or more sureties in the like amount.

(b) The applicant shall report to the concerned investigating officer on 7th & 8th December, 2022 between 11.00 a.m. & 1.00 p.m. and thereafter, as and when called for.

(c) 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.

(d) The applicant to co-operate with the investigation.

Anticipatory Bail Application No. 3374 of 2022 stands disposed of accordingly. Interim application, if any, also stands disposed of.

(M. S. KARNIK, J.)