

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 221 OF 2023

1] Irfan Mohammad Hasim Kazi
2] Suraj Abdul Sayyad @ Sahil Sayyad
3] Sakib Aayub Ansari ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Gautam Kanchanpurkar for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 6 FEBRUARY 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 533 of 2022 registered at Wanwadi Police Station, Pune for the offences punishable under Sections 326, 324, 323, 504 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicants and the learned APP for the State.

4. According to the prosecution, on the date of incident, which took place on 27 December 2022, dispute arose between the complainant and co-accused Imran Shaikh on account of some financial transaction. It is alleged that during the said dispute the present applicant and other co-accused assaulted the complainant and his brother.

5. The learned Counsel for the applicant submits that initially the offence punishable under Section 324 was invoked. It is submitted that even otherwise alleged grievous injury sustained by the brother of the complainant not attributed to the present applicants. It is submitted that there are no other criminal antecedents.

6. On the other hand, the learned APP submits that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the F.I.R. The alleged grievous injury sustained by the brother of the complainant is not attributed to the present applicants. There are no other criminal antecedents. Considering the overall facts and circumstances of the case, I am inclined to grant anticipatory bail to the present applicants. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicants in Crime No. 533 of 2022 registered at Wanwadi Police Station, Pune for the offences

punishable under Sections 326, 324, 323, 504 r/w. 34 of Indian Penal Code, they shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount, subject to deposit of Rs.25,000/- by each of the applicants in the following account of Mumbai Police Welfare Fund.

Mumbai Police Welfare Fund

Bank Name : Axis Bank, Lamington Road Branch

Account No. : 465010100008693

IFSC Code No. UTIB0000465

(iii) The applicants shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
Date: 2023.05.08
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