

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

ANTICIPATORY BAIL APPLICATION NO.460 OF 2023

1. Iqbal Abdul Kasim Shaikh
2. Ahmad Ashraf Mohd. Shamseer Khan ..Applicants
VS.
The State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION NO.737 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.460 OF 2023**

Adil Ishaq Sayyed ..Applicant
VS.
The State of Maharashtra ..Respondent

Adv. Nitin S. Satpute a/w Adv. Deepak Jagdev a/w Adv. Shaila Kanthe for the Applicants.
Adv. Zeeshan I. Khan for intervener.
Ms. P. N. Dabholkar, APP for the State.
PSI-Sawant, Mankhurd Police Station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 27, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 326, 324, 323, 504 read with Section 34 of the Indian Penal Code, 1860 in

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connection with C.R. No.1156 of 2022 dated 01/12/2022 registered with Mankhurd Police Station.

3. The FIR was filed on 01/12/2022. There is a cross FIR filed by the present applicant as well. It is the contention of learned counsel for the applicants that the applicant No.1 has suffered grievous injury. However, the investigating agencies applied Section 324 of the IPC. It is open for the applicants to resort to the appropriate remedies in this regard.

4. So far as the present matter is concerned, it is alleged that in respect of one video uploaded on Instagram there was a fight between two groups. The applicant No.2 assaulted the complainant with a knife. From the complainant's side Ujaith Sayyed suffered grievous injury in the nature of incised wound on his back whereas Adil Sayyed suffered one grievous injury in his chest. These injuries are attributed to the applicant No.2.

5. Learned counsel for the applicants on instructions seeks leave to withdraw the application on behalf of the applicant No.2. The application in respect of applicant No.2

is allowed to be withdrawn and disposed of accordingly.

6. So far as the applicant No.1 is concerned, he has suffered an injury as as a result of assault by a knife which is attributed to the complainant herein. The allegation against the applicant No.1 is that he assaulted Ujaith and Adil with fists and kick blows. Considering his role, the custodial interrogation of the applicant No.1 therefore is not necessary. The applicant No.1 himself was injured. The applicant No.1 is released on pre-arrest bail. The applicant No.1 must co-operate with the investigation. Hence, the following order :-

ORDER

(a) Application is allowed so far as applicant No.1-Iqbal Abdul Kasim Shaikh is concerned.

(b) In the event of arrest in connection with C.R. No.1156 of 2022 registered with Mankhurd Police Station, the applicant No.1-Iqbal Abdul Kasim Shaikh shall be released on bail on furnishing P.R. Bond to the extent of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant No.1 shall report to the Investigating Officer of the concerned police station on 03/03/2023 and 04/03/2023 between 11.00 a.m. and 1.00 p.m.

(d) The applicant No.1 to co-operate with the Investigating Officer.

(e) The applicant No.1 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 and shall not tamper with evidence.

(f) The applicant No.1 shall furnish the details of his residential address and phone number to the investigating officer.

(g) Application on behalf of Applicant No.2 is allowed to be withdrawn.

7. The Anticipatory Bail Application stands disposed of. The Interim Application also stands disposed of.

(M. S. KARNIK, J.)