

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

ANTICIPATORY BAIL APPLICATION NO. 565 OF 2023

1. Kaif Mehaboob Khan
2. Yasir Mehaboob Khan
3. Jafar Khan

.... Applicants

v/s.

The State of Maharashtra

.... Respondent

Mr. Zoheb Shaikh for the Applicants.

Mr. Shrikant Yadav, APP for the State.

Mr. M.S. Mulla for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 10th MARCH, 2023.

P. C. :-

1. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicants seeking pre-arrest bail in C.R.No.50/2023 registered with Shivaji Nagar Police Station, Mumbai for offences punishable under sections 323, 326, 504 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by

one Saifali Rizwan Khan. The Complainant has alleged that on 11/01/2023, at about 21.30 hours, the Applicants and others abused and assaulted him with kicks and blows. It is stated that the Applicant No.1 gave a blow on his head and caused him injury by silver 'kada' (a round shaped bangle worn mainly on the wrist of men). It is stated that the Applicant No.2 had also assaulted him by means of bamboo. The medical records reveal that except nasal injury, all other injuries sustained by the Complainant are simple in nature. Prima facie, the alleged 'kada' cannot be considered to be a dangerous weapon.

4. Considering the nature of the accusations as against the Applicants, this Court (Coram : M.S. Karnik, J.) had by order dated 24/02/2023 granted interim bail to the Applicants. It is stated that the Applicants have reported to the Investigating Officer and co-operated with the investigation.

5. Considering the aforesaid facts and circumstances, in my considered view, this would be a fit case for grant of pre-arrest bail. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.50/2023 registered with Shivaji Nagar Police Station,

Mumbai, they shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer for four days from 13/03/2023 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigating Officer ;

(c) The Applicants shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. Application stands disposed of.

PREETI
H JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

Digitally signed
by PREETI H
JAYANI
Date: 2023.03.15
13:57:42 +0530