

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

**ANTICIPATORY BAIL APPLICATION NO. 762 OF 2023**

Samad Ibrahim Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondent

Mr. Shivam J. Singh, a/w. Mr. D.K. Shukla for the Applicant.

Mr. Shrikant Yadav, APP for the State.

Mr. Vishal Raut, PSI from Malvani P.Stn.

**CORAM : ANUJA PRABHUDESSAI ,J.**

**DATED : 23<sup>rd</sup> MARCH, 2023.**

**P.C.**

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No. 1380 of 2022 registered with Malvani Police Station, Mumbai for offences under Section 323, 324, 326, 504 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. 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 Arif Fatehmohammed Shah @ Sheru. A perusal of the FIR reveals that on 20.12.2020 at about 02.15 a.m. the first informant and his friend

**PRASANNA P  
SALGAONKAR**

Digitally signed by  
PRASANNA P  
SALGAONKAR  
Date: 2023.03.27  
16:12:20 +0530  
pps

Pramod were in the vicinity of his house, at which time the Applicant and the co-accused Mohammed Nasrulla Shaikh @ Guddu came to the spot of the incident. There was an altercation and quarrel between them. The first informant has stated that thereafter the Applicant assaulted him with a cycle chain. He has further stated that while they were proceeding towards the police station to lodge the complaint, the Applicant assaulted him by means of an iron rod.

4. The statement of the injured prima facie reveals that the Applicant was involved in inflicting injury on him by means of an iron rod. The medical certificate also prima facie reveals that the first informant had sustained grievous injuries. Thus, the material on record prima facie shows involvement of the Applicant in committing the offences punishable under Section 326 of IPC, which is punishable for imprisonment for life or with imprisonment of either description for a term which may extend to 10 years, with fine.

5. Considering the gravity of the offence, and that the investigation is still at a preliminary stage, the Applicant, in my considered view, is not entitled for pre-arrest bail. Hence the anticipatory bail application is dismissed.

**(ANUJA PRABHUDESSAI, J.)**