

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

ANTICIPATORY BAIL APPLICATION NO. 881 OF 2023

Azim Mohd. Yusuf Mohd.

..Applicant

v/s.

The State of Maharashtra .

..Respondent

Mr. B. G.Tangsali i/b. Mr. Ajay Tripathi for the Applicant.
Mr. Shrikant Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 28th 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.43 of 2023 registered with Sion Police Station, Mumbai for offences under Section 323, 307, 504 and 506 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant and 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 Noor Mohd. Kadar Khan. The first informant claims that on 8th February, 2023 he had received a call from his friend Shaheen stating that the Applicant, who was her cousin was assaulting her. When he

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went to the house of Shaheen, the Applicant abused him, and tried to inflict injury on his neck by means of a knife. He states that he avoided the blow, and in the process sustained injury below right eye and above left eye. Based on the allegations made in the FIR, the aforesaid crime has been registered. The first informant was referred for medical examination. The medical report prima facie reveals that the Complainant had received CLW on nose and eye. The injury is simple in nature. The facts stated in the FIR do not disclose an offence under Section 307 of IPC.

4. Learned APP states that notice under Section 41 Cr.P.C. has been issued. The presence of the Applicant is required for the purpose of recovery of the knife. It is seen that no steps have been taken even to interrogate the Applicant since the date of registration of the crime. Considering the above circumstances, in my considered view, this is not a case which would justify custodial interrogation. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No.43 of 2023 registered with Sion Police Station, Mumbai, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for two days on 3rd and 4th April, 2023 from 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)