

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

ANTICIPATORY BAIL APPLICATION NO. 953 OF 2023

Majibulla Habibulla Shaikh ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Keshav Chavan, Adv. for the Applicant.

Mr. Shrikant Yadav, APP for the Respondent/State.

PSI Mr. Kakad, Trombay Police Station, Mumbai.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : MARCH 31, 2023

PC. :

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 filed by the aforesaid Applicant apprehending his arrest in the Crime No. 107/2023 registered with Trombay Police Station, Mumbai for the offences under Section 326, 324, 427, 323, 504 & 506 read with 34 of the Indian Penal Code, 1860.

2. The aforesaid crime was registered pursuant to the First Information Report lodged by Balu Shankar Khandagale.

3. A perusal of the First Information Report *prima-facie* reveals that on 22/02/2023 at about 12.15 p.m., co-accused Rafiq, Papa and

Sahil damaged CCTV Camera and cut the electricity wire from the house of the Complainant. When the Applicant came to the site, he abused him and assaulted his brother. It is stated that when the Complainant intervened, the co-accused Madhav inflicted blows of knife on his hand and head and when his wife intervened, he also inflicted an injury on her right hand. The Applicant is also alleged to have assaulted the Complainant.

4. The record *prima-facie* reveals that the Complainant and three others had sustained simple injuries. The Applicant was not involved in inflicting grievous injury on the Complainant or any other witness.

5. Considering the role attributed to the Applicant, in my considered view, this is not a case, which would justify custodial interrogation.

6. Under the circumstances, the Anticipatory Bail Application is allowed on the following terms and conditions :-

- (a) In the event of arrest of the Applicant in Crime No. 107/2023 registered with Trombay Police Station, Mumbai he shall be released on bail on executing Bail Bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with

one or two sureties in the like amount;

(b) The Applicant shall report to the Investigating Officer for a period of two days on 3rd and 4th of April, 2023 between 11.00 a.m. and 2.00 p.m.;

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

7. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)