

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

ANTICIPATORY BAIL APPLICATION NO. 1191 OF 2023

1. Mohd. Kazim Moghal @ Kazim Bashir
Turki

2. Mohd. Farook Haji Akbar Sayyed
@ Faruk Akbar Sayyed

3. Mohd. Amir Mohd. Khalil Ansari@
Amir Khalil Ansari

4. Mohd. Farooq Moghal @ Farooq
Hashim Turki

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Imtiyaz Patel for the Applicant.

Mr. S.H.Yadav, APP for the State.

PSI Vijay Chavan from Pydhonie Police Stn.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 21st APRIL, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.72 of 2023 registered by Pydhonie Police Station for the offences under Section 326, 324, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicants 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 Abdul Aziz Kadar Shaikh. The facts narrated in the FIR prima facie reveals that on 08.04.2023 at about 6.55 p.m. there was an altercation and quarrel between the first informant and the Applicant No.1. The FIR reveals that the first informant as well as the Applicant had abused and assaulted each other. The first informant has stated that at about 9.35 p.m. all the Applicants assaulted him with kicks and blows. Subsequently, while he was proceeding towards the police station, the Applicant No.1 inflicted an injury on his back with a pointed weapon. The medical records reveal that the the first informant had sustained total five injuries, out of which four are abrasions and the fifth injury is ang incised wound on the back. The first informant was discharged on the same day. There is nothing on record to indicate that the said injury is of grievous nature . Prima facie, ingredients of offence under Section 326 are not made out.

4. In view of the above facts and circumstances, 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 Applicants in Crime No.C.R.No.72 of 2023 registered by Pydhonie Police Station , Mumbai, the Applicants be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty

Thousand Only) each with one or two sureties in the like amount;.

(ii) The Applicants shall report to the Investigating Officer on 24th and 25th April, 2023 between 11.00 a.m. to 2.00 p.m. for the purpose of investigation;

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

(ANUJA PRABHUDESSAI, J.)