

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

ANTICIPATORY BAIL APPLICATION NO. 517 OF 2021

Mr. Mohd. Shahnawaz Jamshed Khan	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Rajesh Singh a/w. Rahul Singh, Mr. Iftekhar Sayed
and Mr. Anikit Makhija for the Applicant.
Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th APRIL, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.460/2019 registered with Ghatkopar Police Station, Mumbai for offences punishable under sections 304 r/w. 34 of the Indian Penal Code and sections 4, 25 of Indian Arms Act and sections 37(1) r/w. 135 of Maharashtra Police Act.

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 Habib Shaikh. The facts narrated in the FIR reveal that 24/07/2019 at about 04:15 p.m., while the first informant and his cousin – Tahir were in Ram Rahim Mitra Mandal lane, the Applicant and others came to the place of the incident armed with weapons and inflicted injury on the first informant.

4. The FIR does not indicate that the Applicant was armed with weapons. The Applicant had also not inflicted injury on the first informant and witness – Tahir. The only role attributed against the Applicant is that he had caught hold of the first informant. The injuries sustained by the first informant as well as the witness – Tahir sustained injuries

5. Considering the above facts and circumstances, this Court by order dated 19/06/2020 had granted interim bail to the Applicant with directions to report to the Investigating Officer as and when called for. It appears that the Investigating Officer had not called upon the Applicant to report to the police station for the purpose of interrogation. In such circumstances, no case is made out for custodial interrogation. Moreover, it is stated that the cross-complaint is lodged against the first informant and others.

6. Considering the above facts and circumstances, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, interim protection granted by order dated 19/06/2020 stands confirmed. The Applicant shall not interfere with the first informant and prosecution witnesses in any manner and 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.

PREETI
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(SMT. ANUJA PRABHUDESSAI, J.)