

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

ANTICIPATORY BAIL APPLICATION NO. 1666 OF 2023

1. Mohammad Aslam Israil Siddiqui @
Banne
 2. Mohammad Sahil Mohammed Aslam
Siddiqui
 3. Mohammad Anis Israil Siddiqui @
Mannan
- ...Applicants
- vs.
- State of Maharashtra
- ...Respondent

Mr.R.A.Shaikh i/b. Mr.Mohd. M. Khan a/w Ms.Mariyah Khatkhak
a/w Mr.Hasan – Advocates for Applicants.
Mr.H.J.Dedhia – APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 3RD JULY 2023

P. C. :

1. Heard learned Advocate for Applicants and learned APP.
Investigating Officer is present.
2. This FIR is registered on 18th May, 2023 with Shanti Nagar
Police Station at the instance of one Nasimuddin Shaikh. The
offences are under Sections 324, 326, 504, 506 read with 34 of
Indian Penal Code, 1860 [“IPC”]. It is against in all four persons. Out
of them, the Court of Additional Sessions Judge – Thane has granted
pre-arrest bail to Accused No.4 – Sanne.

Satish Sangar

3. On the last date, contention was raised that the First-Informant has lodged the complaint with the Police and it was registered as a non cognizable complaint. The Investigating Officer was directed to verify this fact. Today, it is submitted that there was NC complaint lodged on 15th May, 2023 in respect of the incident that took place on the same day at about 23.00 hours. The present three Applicants along with Sanne were Accused therein. There is no allegation that any weapon is used but there is only allegation that scuffle took place and during that scuffle, the First-Informant fallen on the ground and there is abrasion to his right hand wrist.

4. On this background, it is submitted that this FIR is filed on 18th May, 2023 by improving the version and whatever stated in the FIR about use of iron rod was not stated in the earlier non cognizable complaint. In addition to that, the Applicant No.2 has also filed non cognizable complaint with the same Police Station against the son of brother of the First-Informant. It is in respect of the same incident. It is registered under Sections 323, 504, 506 of IPC.

5. Learned APP submitted that some incident has taken place and injury certificate issued by Indira Gandhi Memorial Hospital – Bhiwandi mentions about the grievous injury i.e. contused lacerated wound on hand and forearm. Be that it may, the fact that use of a

weapon is not stated in the non cognizable complaint, I am inclined to grant anticipatory bail to these Applicants. They can be put to conditions. Hence, order :-

O R D E R

- (i) In case of an arrest in connection with C.R. No. 373 of 2023 registered with Shanti Nagar Police Station – Thane City for the offences punishable under Sections 324, 326, 504, 506 read with 34 of IPC, the Applicants namely ; (i) Mohammad Aslam Israil Siddiqui @ Banne ; (ii) Mohammad Sahil Mohammed Aslam Siddiqui and (iii) Mohammad Anis Israil Siddiqui @ Mannan be released on furnishing personal bond and surety bond of Rs.15,000/- each.
 - (ii) Applicants are directed to give attendance to Shanti Nagar Police Station – Thane City on first and third Thursday from 10.00 to 12.00 till filing of charge-sheet.
 - (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
 - (iv) In case of breach of any of the conditions, the bail of the Applicants is liable to be cancelled after notice.
6. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them.
7. Application is disposed of in the aforesaid terms.
8. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]