

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

**ANTICIPATORY BAIL APPLICATION NO.1679 OF 2023**

Ms Nasreen Anjuman Gulam Rasool  
Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Ms Shweta Agrawal for the Applicant.

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

Mr. S.S. Masal, PSI, D.N. Nagar, Police Station, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 15<sup>th</sup> JUNE, 2023.**

**P. C. :-**

1. The Applicant apprehends her arrest in Crime No.310 of 2023 registered with D.N. Nagar, Police Station, Mumbai, for the offences punishable under Sections 323, 326 and 504 r/w 34 of the IPC.

2. Heard Ms Shweta Agrawal, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for the Respondent-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 Dilshad Shaikh. A perusal of the FIR prima facie reveals that on 12/05/2023 the First Informant was doing construction work in the property, which is near Ambamata Mandir, Kapaswadi. The Applicant and co-accused tried to stop the construction on the assertion that land belonged to them. It is stated that the Applicant gave a blow of bamboo stick on her wrist and as a result of which, she sustained fracture of the wrist. Hence, the FIR.

4. The records prima facie indicate that the Applicant inflicted injury with a bamboo stick, which in my considered view is not an instrument or weapon as specified under Section 326 of the IPC. In such circumstances, prima facie the offence under Section 326 of the IPC is not made out.

5. Considering the nature of accusations, in my considered view this is a fit case to exercise discretion under Section 438 of the Cr.P.C. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime

No.310 of 2023 registered with D.N. Nagar,

Police Station, Mumbai, the Applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;

- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. 19/06/2023 and 20/06/2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of Investigation;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**