

VRJ

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

**ANTICIPATORY BAIL APPLICATION NO.1773 OF 2023**

|                          |                |
|--------------------------|----------------|
| Nihal Shaukat Shaikh     | ... Applicant  |
| <b>V/s.</b>              |                |
| The State of Maharashtra | ... Respondent |

Mr. Rahul J. Yadav for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

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**CORAM : AMIT BORKAR, J.**

**DATED : JULY 7, 2023**

**P.C.:**

1. Apprehending arrest in connection with C.R. No.210 of 2023 registered with Wakad Police Station, Pimpri Chinchwad, Pune dated 1<sup>st</sup> March 2023 for offences punishable under sections 307, 324, 323, 504, 506, 143, 144, 147, 148, 149 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. The case of the prosecution in short is as under:

On 20<sup>th</sup> February 2023 at about 08:30 p.m. in the night time, the informant namely Dilshad Dost Shaikh was standing in front of his house. At that time, accused Sohail Asif Shaikh along with his friends were loudly blowing the horn of his vehicle, therefore, the informant asked him as why they were blowing the horn

repeatedly, thereafter Soheli Asif Shaikh made a call to someone and while going by motorcycle, he asked the informant to stop there and abused him using filthy language, thereafter the accused Soheli Asif Shaikh brought applicant/accused Nihal Shaukat Shaikh, Shaukat Shaikh, Yasmin Shaukat Shaikh and one unknown person. Thereafter, Shaukat Shaikh abused the informant and informant also abused him, at that time, the applicant Nihal Shaukat Shaikh picked up the iron rod lying on the construction site and gave its blow on complainant's head. Shaukat Shaikh also beat the informant by wooden log. At that time, Yasmin Shaikh, Soheli Shaikh and one unknown person abused the informant and beat him by hand. The people residing in their colony gathered there and extinguished the quarrel, thereafter, the informant went to new Thergaon Hospital, and thereafter to the YCM Hospital. As he was not feeling well, he lodged a report on 1<sup>st</sup> March 2023.

3. The applicant, therefore, filed an application before the learned Sessions Judge under section 438 of the Criminal Procedure Code, 1973, which came to be rejected by order dated 11<sup>th</sup> May 2023.

4. Prima facie role attributed to the applicant is of assault on the victim on his head by using iron rod. The injury certificate indicates that the victim suffered grievous injury on his head. Therefore, Prima facie case is made out against the applicant.

5. The anticipatory bail application is, therefore, rejected.

**(AMIT BORKAR, J.)**