

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1879 OF 2023

Hafiza Arshad Khan & Anr. ... Applicants
V/s.
The State of Maharashtra ... Respondent

Ms. Tanu Khattri for the applicants.

Mr. Pandurang H. Gaikwad, APP for the
respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JULY 11, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.163 of 2023 registered at Kharghar Police Station, Navi Mumbai for offences punishable under sections 323, 384, 394, 504 and 506 read with section 34 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, on 11th May 2023 at about 04:20 p.m. when the applicant had gone to supply boxes and pouches of water in a weekly market, the applicant came there and said that without paying Rs.1,000/- per day, the informant cannot conduct business in Kharghar area. During the said argument, the applicant picked up knife from fruit shop and caused hurt to the informant left ear and fled from the spot of incident. The

informant, therefore, lodged a report.

3. The applicant, therefore, filed an application under section 438 of the Criminal Procedure Code, 1973, which came to be rejected by order dated 15th June 2023.

4. On perusal of the case papers produced by the investigating agency, it appears that the injury alleged in the report is supported by injury certificated dated 11th May 2023. Perusal of injury certificate, indicates that corresponding incised wound which is fresh and caused by sharp weapon. Moreover, two independent witnesses have supported the prosecution case. Furthermore, six antecedents of bodily offences have been registered against the applicant from 2010 to 2023. Hence, no case is made out for grant of relief under section 438 of the Criminal Procedure Code, 1973.

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

(AMIT BORKAR, J.)