

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

ANTICIPATORY BAIL APPLICATION NO. 2019 OF 2023

Faisal Aslam Shaikh	 Applicant
v/s.	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 2648 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 2019 OF 2023**

Akeb Saiyyad Jainul Abedin	 Intervenor
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In the matter between :-

Faisal Aslam Shaikh	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Karan Singh Rajput a/w. Mr. Devendra Patil for the Applicant.
Mrs. A.A. Takalkar, APP for the State.
Mr. Khwaja Shaikh a/w. Mr. Abhay Dolas for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 01st AUGUST, 2023.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.376/2023 registered with Mulund Police Station, Mumbai for offences punishable under sections 323, 324, 326, 504, 506 r/w. 34 of the Indian Penal Code and sections 37(1) and 135 of Maharashtra Police Act.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. 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 Akeb Abedin. The facts narrated in the FIR prima facie reveal that on 21/06/2023, there was a quarrel between the first informant and the Applicant and the other co-accused which was amicably resolved. It is alleged that on 22/06/2023, the Applicant and the other co-accused abused and assaulted the first informant with kicks and blows. When the other witness viz., Shahrukh Khan, Amin Shah and Vishal Rajput intervened, they too were assaulted by iron rods. It is alleged that the Applicant herein had inflicted an injury on the first informant by means of knife. He has further stated that the co-accused Irshad Khan assaulted him bamboo stick.

4. The records indicate that the first informant was not referred to the hospital and there is no medical evidence to indicate that he has sustained any injuries. The injuries sustained by Shahrukh Khan, Amin Shah and Vishal Rajput are simple in nature and were allegedly caused

by 'hand'. The medical records reveal that Shahrukh Khan had sustained grievous injury on the eyebrow caused by blunt object which is stated to be grievous in nature.

5. The FIR and other material on record does not indicate that the Applicant was armed with any blunt object and that he has inflicted injury on Shahrukh Khan. Considering the above facts and circumstances, in my considered view, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.376/2023 registered with Mulund Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e., on 04/08/2023 and 05/08/2023 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant 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.

6. The Application for Anticipatory Bail and Interim Application stand disposed of in above terms.

**PREETI
HEERO
JAYANI**

Digitally signed
by PREETI
HEERO JAYANI
Date:
2023.08.05
10:35:39 +0530

(SMT. ANUJA PRABHUDESSAI, J.)