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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2045 OF 2023

Mohammed Arif @ Ranu and anr

...Applicants

vs.

State of Maharashtra

...Respondent

....

Mr. Ashif Hussain for the Applicants.

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

....

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 27 JULY 2023

P.C. :

1. This is an Application under section 438 of Criminal Procedure Code, 1973 (Cr.P.C.) filed by the aforesaid Applicants apprehending their arrest in Crime No.531 of 2023 registered at Saki Naka police station, Brihanmumbai, for the offence punishable under sections 326, 324, 504, 506 r/w 34 of the Indian Penal Code, 1860.

2. Heard Mr. Ashif Hussain, learned counsel for the Applicants and Mr. S. H. Yadav, 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 Mr. Amit Nanhe Khan. The facts narrated in the FIR *prima facie* reveal that on 14 May 2023 at about 11.00 pm, the Applicants herein assaulted the first informant and his cousin Aslam with bamboo sticks.

4. Learned APP states that the injuries sustained by the first informant and injured witnesses are simple in nature. Hence, *prima facie*, the offence under Section 326 is not made out.

5. Considering the nature of accusations leveled against the Applicants and the material to support thereof, 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 Applicants in Crime No.531 of 2023 registered at Saki Naka police station, Brihanmumbai, the Applicants shall be released on bail on furnishing PR bond of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one or two sureties in the like amount;

(ii) The Applicants shall report to the Investigating

Officer for two days on 1st and 2nd August, 2023
between 11.00 am to 2.00 pm;

- (iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicants shall not interfere with the complainant and the other witnesses, or tamper with the evidence in any manner.

6. The Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)