

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

ANTICIPATORY BAIL APPLICATION NO. 2164 OF 2023

Noor Mohd. Mehboob Khan	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Ms. Afreen Shaikh for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Jadhav, PSI, Ghatkopar Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 03rd AUGUST, 2023.

P. C. :-

1. The Applicant apprehends his arrest in C.R.No.274/2023 registered at Ghatkopar Police Station, Mumbai for offences punishable under sections 324, 504, 506(2) of the Indian Penal Code and sections 25 and 4 of the Indian Arms Act.

2. Heard learned counsel for the Applicant and learned APP for the 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 Dhananjay Singh. He claims that the Applicant and his friend Shamshu

came armed with sword and knife and abused and threatened him. He further states that while the co-accused – Shamshu tried to inflict an injury on him, the mother of first informant intervened and she sustained injury on her hand. Learned APP states that none of the witnesses have taken any medical treatment and there is no medical evidence to indicate that the first informant or the other witnesses have sustained injuries. There is also no prima facie material on record to indicate that the State Government has issued any notification as contemplated under section 4 of the Indian Arms Act.

4. In the light of the above, 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.274/2023 registered at Ghatkopar 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 07/08/2023 and 08/08/2023 between

11:00 a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the first informant 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.

5. The Application stands disposed of.

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Date: 2023.08.05
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(SMT. ANUJA PRABHUDESSAI, J.)