

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

ANTICIPATORY BAIL APPLICATION NO. 2207 OF 2023

Mr. Sagir Khan Mohd. Salim Khan

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Devendra Patil for the Applicant.

Mrs. A.A.Takalkar, APP for the State.

PSI Mr. N.V.Chandramore from Mulund Police Stn.

CORAM : ANUJA PRABHUDESSAI , J.

DATED : 7th AUGUST, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No. 376 of 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 the 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

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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 assaulted Amin Shah with bamboo and the co-accused Irshad Khan assaulted him with a iron pipe.

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. Apart from the omnibus allegations there is no prima facie material to indicate that the Applicant had inflicted injury on Shahrukh Khan.

5. 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:-

- (i) In the event of arrest of the Applicant in Crime No.376 of 2023 registered with Mulund Police Station, Mumbai, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 11th and 12th August, 2023, between 11.00 a.m. to 2.00 p.m.;
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time;
- (iv) The Applicant shall not interfere with the Complainant and the other witnesses, or attempt to influence or contact the complainant, witnesses, or any person concerned with the case, or tamper with the evidence in any manner.

. **Application stands disposed of.**

(ANUJA PRABHUDESSAI, J.)