

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

ANTICIPATORY BAIL APPLICATION NO. 2230 OF 2023

Mahiyuddin Noorali Saiyed	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Anil Jaising Jadhav for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. A.S. Padwal, PSI, Kurar Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 08th AUGUST, 2023.

P. C. :-

. The Applicant apprehends his arrest in C.R.No.393/2023 registered with Kurar Village Police Station, Mumbai for offences punishable under sections 323, 326, 504, 506(2) r/w. 34 of the Indian Penal Code.

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 Aslammiya Harunmiya. The facts narrated in the FIR prima facie

reveal that on 13/06/2023, at about 05:00 p.m., the Applicant and others assaulted the first informant and caused grievous injuries. The medical records indicate that the first informant had suffered Proximal Humerus Fracture. The role attributed to the Applicant is that he had assaulted the first informant with hand. The records indicate that the injury was inflicted by co-accused – Mustaqin Sayyed. The Applicant was not armed with any weapon and he had not inflicted any grievous injury.

4. Considering the nature of accusations against the Applicant, 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.393/2023 registered with Kurar Village 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 11/08/2023 and 12/08/2023 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.

**PREETI
HEERO
JAYANI**

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by PREETI
HEERO JAYANI
Date:
2023.08.09
18:08:43 +0530

(SMT. ANUJA PRABHUDESSAI, J.)