

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

ANTICIPATORY BAIL APPLICATION NO. 2243 OF 2023

Abdul Fahad Dilshad Sayyed	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Ms. Neelam Ghorpade for the Applicant.
Mr. R.M. Pethe, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th AUGUST, 2023.

P. C. :-

1. The Applicant apprehends his arrest in C.R.No.210/2023 registered at Shahu Nagar Police Station, Mumbai for offences punishable under sections 143, 147, 323, 324, 326, 504, 506(2) r/w. 149 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 Taukir Raees Khan. The facts narrated in the FIR prima facie reveal that on 15/07/2023, one Shamshad Shaikh and his family members

went to the house of the first informant with marriage proposal of his sister. The girl's family members did not approve of the relationship due to which the relationship between both the parties were strained. It is stated that on 21/07/2023, the Applicant and others formed an unlawful assembly armed with weapons and inflicted injuries on Shamshad and Shahid. The specific allegations against the Applicant are that he was armed with a bamboo stick and inflicted injury on Shamshad and Shahid. The FIR reveals that Sonu @ Taukir Khan and Sajid Sayed had assaulted Shamshad with iron rod. It is stated that Hamza Shaikh had also inflicted injury on the face of Sajid Khan. The role attributed to the Applicant is that he was armed with a bamboo stick and he had inflicted blows of bamboo stick on Shamshad and Shahid.

4. The medical records indicate that Shamshad had sustained simple injuries whereas Shahid had sustained a nasal fracture. As noted above, the FIR prima facie indicates that the said injury was inflicted by Hamza Shaikh. The records do not prima facie indicate that the Applicant was armed with any dangerous weapon or that he had inflicted any injury on vital part of the first informant or the other witnesses. The Applicant is 19 years of age and is a student. The effect

of detention of incarceration are long term and irreversible.

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 :-

(a) In the event of arrest of the Applicant in C.R.No.210/2023 registered at Shahu Nagar 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 on 21/08/2023 and 22/08/2023 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 stands disposed of.

PREETI
HEERO
JAYANI

Digitally signed
by PREETI
HEERO JAYANI
Date: 2023.08.21
16:19:35 +0530

(SMT. ANUJA PRABHUDESSAI, J.)