

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2314 OF 2023**

Mohammad Asif Yusuf Momin	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Divesh Mohari, i/b Aniket Vagal, for the Applicant.
Mr. M. G. Patil, APP for the State/Respondent.
PSI Yogesh Ghodake, Shatinagar Bhiwandi Police Station,
present.

**CORAM: N. J. JAMADAR, J.
DATED: 25th SEPTEMBER, 2023**

PC:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application pre-arrest bail in connection with CR No.301 of 2023 registered with Shantinagar Police Station, Thane, for the offences punishable under Sections 324 and 323 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code"),

3. By an order dated 21st August 2023, this Court had granted interim protection observing *inter alia* as under:

"4. It seems initially crime was registered for the offences punishable under Sections 323, 324 read with Section 34 of the Indian Penal code, 1860 and, upon obtaining the injury certificate, offence punishable under Section 326 of IPC has been added.

5. The learned Counsel for the applicant submitted that the role attributed to the applicant is only that of catching hold of the first informant from behind.

6. The learned APP countered by submitting that the applicant shared the common intention as he had caught hold the first informant and that facilitated the assault by the coaccused. Attention of the Court was invited to the injury certificate, which reveals that the first informant had sustained stab injury by hard and sharp object. The medical officer opined that the injury was grievous.

7. The role of assault is primarily attributed to co-accused Sonu. Stab injury is also attributable to the co-accused Sonu. It seems that the incident occurred as an altercation had ensued between the sister of first informant and the accused party.”

4. The APP, on instructions, submits that the applicant has cooperated with the investigation and appeared before the Investigating Officer as directed. Having regard to the nature of the accusation against the applicant especially role attributed to the applicant and the reasons ascribed in the interim order dated 21st August, 2023, the applicant deserves the exercise of discretion finally.

5. In view of the above, interim order dated 21st August, 2023 is made absolute on the terms and conditions incorporated therein.

6. In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

Application stands disposed.

[N. J. JAMADAR, J.]