



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2389 OF 2023**

Saleem Abdul Aziz Shah	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Tahir Qureshi with Mr. Shadab Kopekar for Applicant.
Mr. M.G.Patil, APP for State.
Mr. Hemant Miraji, PSI Chunabhatti Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 12 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.153 of 2023 registered with Chunabhatti Police Station for the offences punishable under Sections 354, 326, 324, 323, 504, 506, 143, 147 and 149 of the Indian Penal Code, 1860.
3. The first informant is the cousin of the applicant. The first informant lodged a report with the allegations that on 16 April 2023, the Applicant, his brother and nephew assaulted the first informant and her brother and his wife. The applicant had allegedly assaulted her brother Nadeem by means of an iron rod. Co-accused Taifaaq had assaulted the niece of the first informant by means of a bamboo stick.
4. The learned Counsel for the applicant submitted that the co-accused was arrested and released on bail. The weapon of offence has allegedly been recovered.

5. In opposition to this, the learned APP submitted that the iron rod with which the applicant allegedly assaulted the injured Nadeem is yet to be recovered.

6. I have perused the injury certificate of injured Nadeem. It appears that he had sustained blunt trauma on left shoulder and CLW on head. The Medical Officer has, however, not opined about the nature of the injuries. From the allegations in the FIR, it does not appear that the injured Nadeem was admitted as an indoor patient. The statement of Nadeem also does not indicate that he had sustained grievous injuries. Prima facie, it would be debatable whether the offence punishable under Section 326 is made out.

7. In view of the above and having regard to the relationship between the parties, and the trivial cause over which the occurrence took place, I am inclined to exercise the discretion in favour of the Applicant.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Saleem Abdul Aziz Shah in connection with C.R.No.153 of 2023 registered with Chunabhatti Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to the Chunabhatti Police Station on every Sunday from 10.00 a.m. to 1.00 a.m. for a period

of one month.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Application stands disposed.

(v) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)