

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

ANTICIPATORY BAIL APPLICATION NO.33 OF 2024

Anis Mohd Shoeb Shaikh Applicant
versus
State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO.173 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.33 OF 2024**

Mubbarak H. Sayyed Intervenor/
Applicant

IN THE MATTER BETWEEN :

Anis Mohd Shoeb Shaikh Applicant
versus
State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.34 OF 2024**

Sallu Salim Shahabuddin Khan & Ors. Applicants
versus
State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO.177 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.34 OF 2024**

Mubbarak H. Sayyed Intervenor/
Applicant

IN THE MATTER BETWEEN :

Sallu Salim Shahabuddin Khan & Ors. Applicants
versus
State of Maharashtra Respondent
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- Mr. Karan Vishwajit Mertia i/b. Tanveer Farooqui, Advocate for Applicants in both ABAs.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.
- Mr. Jaywant R. Avhad, Advocate for Intervenor in both ABAs.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th JANUARY, 2024

P.C. :

1. In both these matters, a common order is passed because they arise out of the same registered offence.
2. The Applicants are seeking anticipatory bail in connection with C.R.No.801/2023, dated 08/11/2023, registered with Dindoshi Police Station, Mumbai, under sections 323, 324, 326, 506(2), 504, 506 r/w 34 of the Indian Penal Code.
3. Heard Mr. Karan Mertia, learned counsel for the Applicants, Mr. Jaywant R. Avhad, learned counsel for the

Intervenor and Ms. Pallavi N. Dabholkar, learned APP for the State.

4. The FIR is lodged by one Mubbarak Sayyed. He has stated that he has a garage at Goregaon. The Applicant Sallu had raised dispute about that property and cases are pending in respect of this. On 08/11/2023 all the Applicants came to this garage. The Applicant Sallu started abusing and threatening the first informant. He was asking the first informant to vacate those premises. It is alleged that the Applicant Anis picked up a wooden stick and gave a blow on the informant's head. The Applicant Sallu gave blow of iron rod on his head. The informant fell down. Sallu then assaulted him with iron rod on his back. On this basis, the FIR is registered.

5. Learned counsel for the Applicants submitted that the Applicant Anis has lodged his own FIR vide C.R.No.803/2023 at the same Dindoshi Police Station u/s 323, 324, 326, 506 r/w 34 of the IPC regarding the same incident.

6. He submitted that, in that incident the first informant in the present case i.e. Mubbarak Sayyed assaulted Anis with cement block. One Arbaz who came to save him was also assaulted causing fracture of his finger. He further submitted that the Applicants have not committed any offence.
7. Learned counsel for the informant submitted that the Applicant Sallu's gang has created terror in the area. They are in the habit of assaulting people and taking over possession of the properties. There are criminal antecedents against them. He therefore submitted that the protection may not be granted to the Applicants.
8. Learned APP produced medical certificate of Mubbarak before the Court. She submitted that there are antecedents against the Applicants Anil and Sallu. She therefore opposed grant of relief in this application.

9. I have considered these submissions. The medical certificate shows that the first informant Mubbarak has suffered one injury on his parietal region of around 5 x 0.5 cm. It was described as simple injury. The medical certificate shows that the injuries were simple and therefore section 326 of IPC may not be attracted. There is a cross case. Though, learned counsel for the first informant submitted that the cross FIR was lodged on the next day, the fact remains that regarding the same incident there is cross FIR. The medical certificate shows that the informant has suffered simple injuries. In this view of the matter, custodial interrogation of the Applicants is not necessary. They can be protected u/s 438 of Cr.P.C.

10. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.801/2023, dated 08/11/2023, registered with Dindoshi Police Station, Mumbai, the Applicants are directed to be released on bail on

their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.

- (ii) The Applicants shall attend the concerned Police Station on every Sunday till the charge-sheet is filed and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.
- (iv) Connected Interim Applications are also disposed of.

(SARANG V. KOTWAL, J.)