

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

**ANTICIPATORY BAIL APPLICATION NO. 216 OF 2024**

Magid Hushen Shaikh ...Applicant  
**Versus**  
The State of Maharashtra and Others ...Respondents

Mr. Tapan Thatte i/b Vivek N. Arote, for Applicant.

Mr. Y.M. Nakhwa, APP for State/Respondent.

**CORAM:- N. J. JAMADAR, J.**

**DATED:- 25<sup>th</sup> JANUARY, 2024.**

**PC:-**

- 1) Heard the learned Counsel for the applicant and the learned APP for the State.
- 2) This is a second application for pre-arrest bail in connection with CR No. 529 of 2023 registered with Vimantal Police Station for the offences punishable under Sections 323, 324, 326 and 504 read with Section 34 of the Indian Penal Code, 1860.
- 3) The applicant had preferred Anticipatory Bail Application No. 3413 of 2023. The said application was dismissed as withdrawn on 7<sup>th</sup> December, 2023.

4) Mr. Thatte, the learned Counsel for the applicant, submits that, at that stage, the said application was withdrawn as the co-accused was granted interim protection by the Court of Session.

5) Prima facie, the reason now sought to be ascribed for withdrawal of the application does not bear upon the justification for entertaining the second application for pre-arrest bail. Evidently, the application for pre-arrest bail of the applicant was rejected by the Court of Session and, thereupon, the applicant had moved this Court.

6) Mr. Thatte submitted that the injuries sustained by the applicant cannot be designated as grievous as there was heamorrhage. The question as to whether the first informant had sustained grievous injury would be a matter for adjudication at the trial.

7) The learned APP resisted the prayer for pre-arrest bail.

8) I have perused the allegations in the FIR and the injury certificate. The first informant has categorically asserted that the applicant came at the scene of occurrence armed with a stick and, on account of the previous quarrel, gave blows unannounced and without any provocation. The injury certificate indicates that there were heamorrhages contusion involving subcortical white

matter in right parietal lobe. The Medical Officer has designated the injury grievous.

9) The injury certificate prima facie indicates that the injuries sustained by the first informant endangered the life of the first informant.

10) Hence, the application stands rejected.

**[N. J. JAMADAR, J.]**