

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

CR. ANTICIPATORY BAIL APPLICATION NO. 271 OF 2024

Sultan Yusuf Malik ...Applicant
Versus
State Of Maharashtra ...Respondent

Adv. Maaz Ansari i/b. Adv. Noori Khan for the Applicant.
Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.
Mr. Handal, PSI, Mulund Police Station Present.

CORAM : SARANG V. KOTWAL, J

DATED : 31st JANUARY, 2024

P.C.:

1. The Applicant is seeking anticipatory bail in connection with C.R. No. 23 of 2024 registered at Mulund Police Station, dated 14/01/2024 u/s. 326, r/w. 34 of the Indian Penal Code and u/s. 135 and 37(1)(a) of the Maharashtra Police Act.
2. Heard Mr. Ansari, learned counsel for the Applicant and Ms. Mahalakshmi, learned APP for the Respondent-State.
3. The FIR is lodged by Sagar Ingale. He has stated that on 14/01/2024 at about 12.45 PM in the midnight when the informant and his friend Prashant were talking with each other at Amar Nagar, Mulund, the Applicant and his friend Mahipal Singh were passing from the road. The informant's motorcycle was pushed by

the Applicant. The informant questioned him. At that time, the Applicant allegedly started assaulting the informant with chopper; and Mahipal started assaulting with knife. When the informant's friend Prashant tried to intervene, the Applicant tried to give a blow with chopper on his head but he put up his hand and the blow landed on his hand. After that the Applicant and his friend ran away. On that basis, the FIR is lodged.

4. Learned Counsel for the Applicant submitted that the story narrated in the FIR is not true. In fact, the Applicant himself has lodged C.R. No. 24 of 2024 at Mulund Police Station about the said incident u/s. 326 r/w. 34 of the IPC. In the said incident, actually the aforementioned Sagar assaulted Mahipal with knife. When the Applicant went to save Mahipal, Sagar assaulted the Applicant on his right hand, chest and head. On this basis the Applicant had lodged the FIR. He submitted that the Applicant himself has suffered life threatening grievous injuries. The story narrated by Sagar is not true. Therefore, the Applicant deserves to be granted protection u/s.438 of the Cr.P.C.

5. Learned APP has produced the investigation papers, including the injury certificate in respect of the informant. Sagar and his friend Prashant. She also produced the medical certificate

of the injuries suffered by the Applicant himself.

6. I have considered these submissions.

7. The informant Sagar's statement is supported by his friend Prashant and one Nitin Zha. The informant Sagar had suffered four injuries but all these injuries were described as simple injuries. His friend Prashant had suffered one injury on the forearm. It was a sharp cut and therefore it was described as grievous hurt. As against that the Applicant himself had suffered grievous and serious injuries. There was deep injury on the chest of the size 5x6cm. There was another injury on the chest of the size 2x3cm. There was one stab wound below the armpit of the size 5x6cm and there was deep wound over the right arm. There were multiple abrasions. There was head injury causing swelling. It was described as severe head injury of the size 6x7cm. The medical certificate annexed to this Application shows that there were 34 stitches required for the injuries of the Applicant. Thus, it is quite clear that the Applicant himself has suffered grievous and serious injuries. The story narrated in the FIR is not true. Sagar has not referred to the serious injuries suffered by the Applicant. Therefore, in this situation the Applicant can be protected by an order u/s. 438 of Cr.P.C.

8. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R. No. 23 of 2024 registered at Mulund Police Station the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall cooperate with the investigation.
- (iii) The Applicant shall submit his residential address proof to the Investigating Officer.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)