

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

ANTICIPATORY BAIL APPLICATION NO. 1165 OF 2024

1. Meraj Alam Sirajuddin Ansari,
2. Aftab Alam Sirajuddin Ansari,
3. Shahzad Sirajuddin Ansari,
4. Naseem Maqbool Khan ..Applicants

Versus

The State of Maharashtra ..Respondent

Mr. Deepak T. Raut for Applicants.
Mr. C. D. Mali, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 3 MAY 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.283 of 2024 registered at Shivaji Nagar Police Station, Mumbai, on 03.04.2024, under sections 307, 326, 324, 323, 504, 506(II), 143, 147, 148, 149 of the Indian Penal Code, under sections 4 and 25 of the Arms Act and under sections 37(1)(a) and 135 of the Maharashtra Police Act.

2. Heard Mr. Deepak Raut, learned counsel for the applicants and Mr. Mali, learned APP for the State.

3. At the outset, learned counsel for the applicants submitted that the Applicant No.4 was arrested during the pendency of this application and as of today, he is released on bail. Therefore, this application survives only for the Applicant Nos.1 to 3.

4. The F.I.R. is lodged by one Mohammed Rashid Mohd. Azhar Sayyad. He has stated that, there was a dispute between Javed Sayyad and the applicant Meraj in respect of some monetary transaction to the tune of Rs.20 lakhs. The incident occurred on 02.04.2024 at about 7:30p.m. At that time, the applicant Aftab started assaulting one Mubin who was from Javed's group. Aftab started pulling Mubin with him. Mubin was resisting. Aftab was followed by the applicant Meraj and Shahzad with wooden sticks. Naseem followed them with sword. It is alleged that they chased Mubin. In between, Sadiq and his son Shahid came to his rescue. Naseem gave a blow with sword on Sadiq's head. However, from the record it appears that it was Shahid who had suffered head injury. The other applicant Shahzad assaulted the informant on his hand. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicants submitted that the incident had occurred in the spur of the moment. There was no premeditation. No grievous injury is attributed to the present applicants except Naseem who was arrested and released on bail.

6. Learned APP produced the investigation papers including the medical papers and opposed this application.

7. I have considered these submissions. Rashid had suffered one swelling injury which is described as simple injury. Shahid suffered incised wound on the head. It is also described as simple injury. There is no medical certificate of Mubin and Mehtab. The statements of other witnesses support the allegations in the F.I.R. Thus, it can be seen that the learned counsel for the applicants is right in submitting that the incident occurred in the spur of the moment. The specific assault of sword is attributed to Naseem who is already granted bail. There does not appear to be premeditation. Naseem had come subsequently on the scene. The injuries reflected in the medical certificate are described as simple injuries. In this background, custodial interrogation of the

applicants is not necessary. They can be protected U/s.438 of the Cr.p.c. However, considering the background of the enmity, some conditions are required to be imposed on them.

8. Hence, the following order :

ORDER

- i) This Application to the extent of the Applicant No.4 Naseem Maqbool Khan does not survive and is disposed of as such.
- ii) In the event of arrest of the Applicant Nos.1 to 3 in connection with C.R.No.283 of 2024 registered at Shivaji Nagar Police Station, Mumbai, they are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- iii) The Applicant Nos.1 to 3 shall attend the concerned Police Station once in every week for a period of four months from today.
- iv) The Application is disposed of.

(SARANG V. KOTWAL, J.)