

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

ANTICIPATORY BAIL APPLICATION NO.1218 OF 2024

Mohammad Samiullah Mohammad
Nazir Ansari

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Imran Akram Khan i/b. Rajeshkumar Salpuram, Advocate for Applicant.
- Mr. C. D. Mali, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.260/2024, dated 29/03/2024, registered with Shivaji Nagar Police Station, Mumbai, under sections 326, 323, 504, 506(2) r/w 34 of the Indian Penal Code.

2. Heard Mr. Imran Akram Khan, learned counsel for the Applicant and Mr. C. D. Mali, learned APP for the State.

3. The FIR is lodged by one Mohd. Jasim. He has stated that on 28/03/2024 at about 10.30 p.m. there was a quarrel between the informant's brother Asif and one Rafiq outside Bihari Masjid at Govandi. There was dispute on account of Board of Trustees in that Masjid. The quarrel had escalated to a scuffle. The present Applicant, who was Rafiq's elder brother started assaulting Asif with kicks and fist blows. It is further alleged that when the informant reached there, the Applicant gave two blows with a sharp weapon on the informant's left side of eye and the neck. The informant went to Shatabdi Hospital and then this FIR is lodged.
4. Learned counsel for the Applicant submitted that the allegations are exaggerated. He is implicated falsely because of the previous enmity. The injuries are not serious. Therefore, section 326 is wrongly applied. His custodial interrogation is not necessary.
5. Learned APP produced the investigation paper before me. They include medical certificate. There are no statements of the eyewitnesses supporting the informant's case.

6. I have considered these submissions. The medical certificate shows that there were two injuries and both of them were described as the simple injuries. The incident had occurred in a locality where there were people. Though it had occurred in the night, there is not a single eyewitness who had come forward to support the informant's case as of today. The FIR was lodged on 29/03/2024. Therefore, sufficient doubt is created about the case against the Applicant. The injuries are simple. In this view of the matter, the Applicant's custodial interrogation is not necessary.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.260/2024, dated 29/03/2024, registered with Shivaji Nagar Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing PR 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 attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) In addition to that, the Applicant shall attend the concerned police station once a fortnight for a period of four months from today.
- (iv) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)