

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

ANTICIPATORY BAIL APPLICATION NO.2963 OF 2023

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Ahmed Husain Mohammad Hanif Khan

...Applicant

versus

The State of Maharashtra and Anr.

.... Respondents

Mr. Deepak Gautam a/w Ms. Nandini Vasaikar i/b Mr. Pradeep Shukla for the Applicant.

Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.

DATE : 10th JANUARY 2024

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.547 of 2023, registered at Dindoshi Police Station on 6th August 2023 punishable under Sections 323, 326, 504, 506 read with 34 of IPC.
2. Heard Mr. Deepak Gautam, learned counsel for the applicant and Ms. Pallavi N. Dabholkar, APP for the State.
3. The FIR is lodged by one Ankush Pujari. He has stated that about three years earlier, there was some dispute between the

informant and the accused applicant herein on the other side. Therefore, they were on enemical terms. On 5th August 2023, at about 9.30 P.M., four persons namely Asif, Saif, Arif and Amir came near Ankush. Out of them, Arif assaulted him on his head with an iron rod. The others also assaulted him with iron rod and wooden sticks. It is the prosecution case that the person named Arif is the present applicant and his real name is Ahmed Husain Mohammad Hanif Khan. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that the applicant himself has lodged his own FIR vide C.R. No.546 of 2023 at Dindoshi Police Station on 6th August 2023, under the same sections i.e. 323, 326, 504, 506 read with 34 of IPC. In that FIR he has mentioned that the informant in this case Ankush Pujari had assaulted him and he had suffered a head injury. He submitted that this Court (Coram: N.J. Jamadar J.) had granted anticipatory bail to the informant in this case Ankush Pujari vide the order dated 13th September 2023 passed in Anticipatory Bail Application No.2460 of 2023. He produced

the FIR in C.R. No.546 of 2023 of Dindoshi Police Station and the aforementioned order in respect of Ankush Pujari. Both these documents are taken on record, and marked as “X” and “Y” for identification.

5. Learned APP produced the injury certificate before me in which it is mentioned that Ankush has suffered six injuries. Out of which, two injuries were contusion and two were abrasions injuries. There was two CLWs on the frontal region of the head. But significantly, all the injuries were described as simple injuries.
6. I have considered these submissions, as observed in the order dated 13th September 2023 passed in the Anticipatory Bail Application No.2460 of 2023, it appears to be a case of free-fight and members of both groups have sustained injuries. The informant in the present case has suffered simple injuries, In these circumstances, 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.547 of 2023, registered at Dindoshi Police Station, the applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall co-operate with the investigation.
- (iii) The anticipatory bail application stands disposed of.

(SARANG V. KOTWAL, J.)