

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

**ANTICIPATORY BAIL APPLICATION NO. 1222 OF 2024**

Abuturab Haidar Irani

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Animesh Jadhav i/b. Shreekrishna N. More for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 2 MAY 2024

PC. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.82 of 2023 registered at Shivaji Nagar Police Station, Pune city, on 22.04.2023, under Sections 307, 324, 341, 143, 144, 147, 148, 149 of the Indian Penal Code, under sections 4 and 25 of the Arms Act, under sections 3 and 7 of the Criminal Amendment Act and under sections 37(1) and 135 of the Maharashtra Police Act.

2. Heard Mr. Animesh Jadhav, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. is lodged by one Mukhtarali Irani. He has narrated the incident dated 21.04.2023. The incident was in two parts. At about 9:15p.m. the informant's cousin Kubra Irani was assaulted by ten persons including the present applicant. The second part of the incident took place on 11:15p.m. when the informant and two others were going towards Patil estate. They were intercepted by ten accused including the present applicant. It is alleged that they had carried baseball bat and sickles. The accused Shabbir Irani and Mehendi Hasan Irani are attributed specific role of assaulting the informant's uncle Abul Hasan Irani, Kasim Irani and Abujar Irani. The informant was also assaulted. The accused were wielding deadly weapons like sickle and baseball bat. On these allegations the F.I.R. was lodged.

4. In this case the charge-sheet is filed, but surprisingly even after one year there is no injury certificate of any of the injured in the entire charge-sheet.

5. Learned APP produced a letter sent by A.P.I. Shivaji Nagar police station addressed to Sr.P. I. of the same police station

mentioning that the informant and the injured had taken away all the medical papers from Sassoon Hospital and, therefore, the medical certificates could not be procured from Sassoon Hospital. It is very surprising that, even after one year the medical papers are not available at Sassoon Hospital. There are no efforts made by the investigating agency to get the copies from the informant or the injured either. Therefore, today I am protecting the applicant by way of ad-interim relief. It is expected that the investigating agency produces necessary medical certificate on the next occasion.

6. Hence, the following order.

### **ORDER**

- i) In the event of his arrest in connection with C.R.No.82 of 2023 registered at Shivaji Nagar Police Station, Pune city, till the next date, the Applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- ii) This order shall operate till 25/06/2024.

- iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iv) Stand over to 25/06/2024.

**(SARANG V. KOTWAL, J.)**