

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

Anticipatory Bail Application No. 1467 of 2024

Mohammed Firoz Ibrahim Khan
Age 31 years, Occ. Business,
and R/at.: Room No.387, Char Nal,
Bori Chawl, Jawahar Nagar,
Santacruz (East), Mumbai – 400 055. ..Applicant

Vs.
The State of Maharashtra
Through the Public Prosecutor,
High Court (A.S.) Bombay ..Respondent

Mr. Khalid Shaikh, for the Applicant.
Mr. M. G. Patil, APP for the Respondent – State.
PSI R. V. Bahirwade, Nirmal Nagar Police Station present.

Coram : R. N. Laddha, J.
Date : 16 July 2024

P.C.

Heard Mr Khalid Shaikh, the learned Counsel appearing on behalf of the applicant, and Mr MG Patil, the learned Additional Public Prosecutor representing the Respondent/State.

2. The applicant is seeking pre-arrest bail in CR No.320 of 2024, registered with Nirmal Nagar Police Station, Mumbai, for the offences punishable under Sections 452, 324, 323, and 504 of the Indian Penal Code. Later, Section 326 was added.

3. The accusation is that on 1 May 2024, the applicant unlawfully entered a house and assaulted the informant using a

helmet. It is also alleged that the applicant hit the informant on his nose with an iron rod, resulting in an injury to the informant's nose.

4. Mr Khalid Shaikh, the learned Counsel for the applicant, submits that the applicant has been under interim protection since May 2024 and has fully cooperated with the investigation. Nothing remains to be recovered from the applicant. The medical reports regarding the alleged injury suffered by the applicant are contradictory. Notably, the applicant and the informant are relatives. The investigation is almost complete. On 01.05.2024, the informant, in an inebriated state, verbally abused his wife in vulgar language at a public place. Upon learning of this incident, the applicant visited the informant's house to enquire about his indecent behaviour towards his wife. The applicant also went to the police station to complain; however, the matter was amicably settled due to their close relations. There was a significant delay in lodging the FIR.

5. Mr. MG Patil, the learned APP, on instructions from the investigating officer present in the Court, fairly concedes that the applicant has attended the police station and cooperated with the investigation. Additionally, the learned APP acknowledges that the investigation is on the verge of completion, and within a couple of weeks, the charge sheet will be filed, and there is no need for the applicant's custody.

5. Upon perusing the record, it appears that the alleged incident occurred on 01.05.2024, and the FIR was lodged on 03.05.2024. There are conflicting medical injury certificates. The learned APP acknowledges that nothing related to the offence from the applicant remains to be recovered. The investigation is on the verge of completion, and the prosecution does not require the applicant's custody. Following the interim protection granted on 28.05.2024, the applicant cooperated with the investigation.

6. In view of the above, the interim protection granted by this Court on 28.05.2024 is confirmed on the same terms and conditions. The application is allowed accordingly.

[R. N. Laddha, J.]