

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

ANTICIPATORY BAIL APPLICATION NO. 1475 OF 2024

Kutubuddin Zinku Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Amey Deshpande a/w Mr. Harsh Nisar and Mr. Vandan Bait, for the Applicant.
- Mr. Mayur S. Sonavane, APP for the State.
- Mr. Mufeez Ansari i/b Mr. Jayendra Khairnar, for Original Complainant.
- Mr. Nyamane N.S. API, Chikhali Police Station.

CORAM : MANISH PITALE, J.

DATE : 25th JUNE, 2024.

P. C. :

1. Heard Mr. Amey Deshpande, learned counsel for the Applicant and Mr. Mayur Sonavane, learned APP for the State.
2. In the present case, the applicant has approached this Court apprehending arrest in connection with First Information Report No.0233 of 2024 dated 22nd April, 2024 registered at Police Station Chikhali, District Pimpri Chinchwad, for the offences under Sections 326, 323, 504, 143, 146, 147, 148 and 149 of the Indian Penal Code (IPC) and Section 37(1)(c) of Maharashtra Police Act and Section 7 of the Criminal Law Act.
3. The statement of the informant leading to registration of the FIR describes the incident that took place on 21st April, 2024, wherein the accused

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persons, including the applicant, allegedly brutally assaulted the victims. Specific role is attributed to the applicant before this Court having used a *Koyta* to assault victim Salman Khan.

4. The learned counsel for the applicant submitted that even the applicant himself was seriously injured in the incident, which arose out of a petty quarrel between children of two groups of persons. It was submitted that cross FIR was also registered and this aspect may be taken into consideration. It is further stated that the applicant suffered head injury and also suffered serious injury to his hands and legs, including a fracture. The applicant was admitted to hospital up to 06th May, 2024. Since the applicant is ready to cooperate with the investigation, this Court may consider allowing the present application.

5. On the other hand, learned APP submitted that a specific role was attributed the applicant. He has used dangerous weapon, causing serious bodily injury to the victim. Copy of the injury certificate is placed before this Court shows that the grievous injury correlates with the specific allegations made against the applicant. It is submitted that the applicant went away from the hospital where he was undergoing treatment and he has been absconding since then. It is submitted that the custody of the applicant is required, among other things, for recovery of weapon of assault.

6. This Court has considered the material on record. The statement of the informant ascribes specific role to the applicant as having used an iron *Koyta* to assault the victim on his ribs, thereby causing grievous injuries. The injury certificate correlates to the specific allegation made against the applicant. Merely because there is a cross FIR and the fact that the applicant was also injured in the fight cannot be a ground to entertain the present application, particularly when co-accused persons were arrested, although they were subsequently granted regular bail.

7. In the facts and circumstances of the present case, this Court is not convinced that the applicant can be granted anticipatory bail.

8. In view of the above, the application is dismissed.

(MANISH PITALE, J.)