

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

Anticipatory Bail Application No.1730 of 2024

Mohammed Shahid Abdul Gafoor Shaikh
Age:39 Years, Occ:Service,
Residing at :- Flat No.17,
Ground Floor Pocket 1A Sector,
A1-4 Narela City, Opp. Vardhman
Mall Narela North West Delhi-110040 ... Applicant

v/s.

The State of Maharashtra
(Through Mahatma Phule Chowk
Police Station, City-Kalyan, Dist-Thane)... Respondent.

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Mr Salman Khan for the Applicant.
Mr Nitin B. Patil, APP for the Respondent/ State.
API Balu C. Wanjare, Mahatma Phule Chowk Police Station is
present.

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**Coram : R.N. Laddha, J.
Date : 1 July 2024**

P.C. :

The applicant is apprehending his arrest in connection with CR No.564 of 2024 registered with Mahatma Phule Chowk Police Station, Thane, accusing him of committing offences punishable under Sections 326, 324, 504, 506 read with 34 of the Indian Penal Code.

2. It is the case of the prosecution the applicant abused and assaulted the informant with an iron strip, resulting into fracture injury.

3. Mr Salman Khan, the learned Counsel appearing for the

applicant, submits that there was a delay in filing the FIR and that nothing is to be recovered from the applicant. The investigation is nearly completed and the applicant is ready to cooperate with the investigation.

4. On the other hand, Mr Nitin Patil, the learned APP representing the State, opposing the application, contends that the applicant abused and assaulted the informant using an iron strip. The weapon used in the crime is yet to be recovered, and the investigation is in progress. Moreover, there are eyewitnesses to the incident.

5. Upon perusing the records, it appears that the investigation is ongoing. The specific allegations are made against the applicant that he abused and assaulted the informant with an iron strip, resulting in a fracture injury. The weapon allegedly used in the crime has not been recovered. The applicant is named in the FIR, and there are eyewitnesses to the incident. Notably, despite the claim that the informant also assaulted the applicant, no cross FIR has been filed. Considering the nature of the incident, and the fact that the investigation is in progress, the learned APP is justified in contending that this is not a fit case for grant of anticipatory bail, and the custodial interrogation of the applicant would be necessary. In view of the above, the application stands rejected.

(R.N. Laddha, J.)