

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

ANTICIPATORY BAIL APPLICATION NO.2158 OF 2024

Sahebaz Faziur Rehman Khan @ Muniya ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Nandkumar V. Sawant, for the Applicant.
Ms. Ranjana D. Humane, APP for the Respondent/State.

CORAM : SARANG V. KOTWAL, J.

DATE : 2nd AUGUST, 2024

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1. The Applicant is seeking anticipatory bail in connection with C. R. No.252 of 2024 dated 14th April, 2024, registered with Bhandup Police Station, Mumbai under Sections 394, 395, 397, 324, 506(II), 427 of the IPC and under Sections 37(1)(a) and 135 of the Maharashtra Police Act.

2. Heard learned counsel for the Applicant and learned APP for the Respondent/State.

3. The FIR is lodged by one Altaf Khan. He has stated that on 13th April, 2024 at about 10:10 p.m., when he was returning home with his brother on his two wheeler, the accused Hamid Khan stopped him and beat him. He was accompanied by the present Applicant. It is alleged that the Applicant assaulted the informant

and his brother. The Applicant gave a blow of knife on his left hand. The informant and his brother rescued themselves and went towards Tempo Naka. At that time, the other accused came there with iron rod and wooden stick. They assaulted the informant and his brother. It is alleged that the accused removed the gold chain weighing two tolas. It is further alleged that the informant and his brother started going to the Police Station. In the meantime, they were informed that all the accused had entered their home and caused damage inside the house. They had damaged the two wheelers parked outside their house. On these allegations, the FIR was lodged.

4. Learned counsel for the Applicant submitted that the two other co-accused i.e. Amir Khan and the Applicant's brother - Sonu were granted anticipatory bail by two separate orders passed in ABA No.1921 of 2024 and ABA No.1270 of 2024. The Applicant's role is not very different. The injured had suffered only simple injuries. The offence under Section 326 of IPC is not made out.

5. Learned APP on instructions stated that the injuries suffered by both the injured persons were simple in nature.

6. I have considered the submissions.

7. Since the injuries are simple in nature and since the other co-accused who are almost similarly placed are granted

anticipatory bail, I am inclined to extend the same protection to the present Applicant under Section 438 of the CrPC. Hence, the following order :-

ORDER

- I) In the event of his arrest in connection with C. R. No.252 of 2024 dated 14th April, 2024, registered with Bhandup Police Station, Mumbai, the Applicant is directed to released on bail on executing PR bond in sum of Rs.30,000/- with one or two sureties in the like amount.
- II) The Applicant shall attend the concerned Police Station on every Sunday between 10:00 a.m. to 11:00 a.m. for a period of nine months from today and shall co-operate with the Investigation, if any.
- III) The Application is disposed of.

(SARANG V. KOTWAL, J.)