

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

Anticipatory Bail Application No.3367 of 2024

Javed Mohammed Khan

Age: 37 yrs, Occ: Service

R/at Room No.25, Chawl, No.12,

Indira Nagar, Andheri Kurla Road

Opp. Mukund Hospital, Marol,

Mumbai-400 059.

..... Applicant.

Vs.

The State of Maharashtra

Through Sahar Police Station,

To be served through Public

Prosecutor, High Court, Bombay..... Respondent.

Mr Abhishek Gupta for the applicant.

Mr Amit Palkar, APP for respondent/State.

PSI Kishor Kharat, Sahar Police Station.

Coram : R.N.Laddha, J.

Date : 12 December 2024.

P.C. :

Heard Mr Abhishek Gupta, the learned Counsel appearing on behalf of the applicant and Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.869 of 2024,

registered with Sahar Police Station, Mumbai, for the offences punishable under Sections 118(1), 115(2), 333 and 34 of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of prosecution that on 26 October 2024, the applicant along with the co-accused abused and assaulted the informant with a metal ring (Kada), resulting into fracture injury.

4. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the crime. There was a delay in filing the FIR. The investigation is nearly completion and the applicant is ready to cooperate with the investigation.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent/State, submits that the applicant abused and assaulted the informant using a metal ring (Kada). The weapon used in the crime is yet to be recovered, and the investigation is in progress. There are eyewitnesses to the incident who clearly implicate the applicant in the crime.

6. Upon perusing the records, it appears that the investigation is in progress. The specific allegations are made

against the applicant that he assaulted the informant with an iron ring (Kada) resulting in a fracture injury to nasal bone. The weapon allegedly used in the crime is yet to be recovered. The applicant is named in the FIR, and there are eyewitnesses to the incident. Considering the nature of the incident, and the fact that the weapon allegedly used in the crime is yet to be recovered. The learned APP is justified in contending that this is not a fit case for grant of anticipatory bail. Resultantly, the application stands rejected.

[R. N. Laddha,J.]