

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

ANTICIPATORY BAIL APPLICATION NO. 3607 OF 2024

Ejaj Ahamad Nasruddin Mir @ Khan .Applicant

vs.

The State of Maharashtra .Respondent

Mr. Lalit Gemnani a/w. Mr. Satyan Pille, Advocate, for the Applicant
Mr. D. J. Haldankar, APP, for the Respondent – State

CORAM : MILIND N. JADHAV, J.

DATE : 02.01.2025

P. C.

1. Heard Mr. Gemnani, learned Advocate, for the Applicant and Mr. Haldankar, learned APP for the Respondent – State.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R. No. 700 of 2024 registered with the Ambernath Police Station, Thane, for the alleged offences punishable under Sections 324, 323, 504, 506(2) r/w. 34 of the Indian Penal Code.

3. In short the prosecution story is that there is a business rivalry between the parties. The date of incident is on the intervening night of 27.04.2024 at about 1.45 a.m. When the three accused namely Accused No. 1 – Ibrahim, Accused No. 2 – Shahrukh and Accused No. 3 – the present Applicant before me were sitting near Food Express,

Ambernath (W), Mumbai, the Complainant arrived at the spot of incident on his motor cycle. A scuffle ensued between them after a verbal altercation and hailing of abuses at each other. One of the relatives of the Complainant called Sahil attempted to intervene. According to the Complainant, Accused No. 3 – the present Applicant before me in a fit of anger took a paver block lying on the road and inflicted a blow on the head of the Complainant. Thereafter, Complainant has stated that Accused No. 1 – Ibrahim and Accused No. 2 – Shahrukh assaulted him on his head and left leg with a paver block and threatened him for life. Thereafter, on arrival of a patrolling police van, the three Accused left the scene of crime.

4. Mr. Gemnani, learned Advocate for the Applicant would place before me a copy of the Charge-sheet. Insofar as Accused Nos. 1 & 2 are concerned, he would submit that Accused No. 2 has been released on bail which is evident from the copy of the Charge-sheet, whereas Accused No. 1 is absconding. The said copy of the Charge-sheet is taken on record. The role of Accused No. 2 is in pari materia with the role of the Applicant before me. It is clearly apparent from the FIR that insofar as causing of injuries after the scuffle between the parties is concerned, it was preceded by verbal altercation and abuses and it was the Complainant who arrived at the spot of incident on his motor cycle

and questioned the three Accused who were sitting/waiting for him.

5. In that view of the matter, in view of my observations and findings hereinabove and considering the nature of allegations, the Applicant is granted pre-arrest bail on the following terms and conditions :

O R D E R

- (i) In the event of the arrest, the Applicant be enlarged on bail on his furnishing P. R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount;
- (ii) The Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iii) The Applicant shall attend the concerned Police Station on the first Saturday of every month between 12.00 noon and 1.00 p. m. for a period of 12 months from the date of filing of the charge-sheet till the conclusion of the trial;
- (iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The Applicant shall co-operate in the conduct of the trial.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

All concerned to act on the authenticated copy of this order.

(MILIND N. JADHAV, J.)