

MHCC020170632022



**IN THE COURT OF SESSIONS FOR GREATER BOMBAY
AT MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO. 2785 OF 2022
(CNR NO.: MHCC02-017063-2022)**

Shabaz Abdul Maruf Khan

Age:- 31 years, Occ.:- Labour

Address - Room No. 27/2/2,

Azad Nagar, Zakeriya Bunder

Road, Hasmi Masjiz, Sewree,

Mumbai No. - 400 015

...Applicant/Accused

V/s.

The State of Maharashtra,

(At the instance of R.A.K. Marg

Police Station vide C.R.No.649/2022)

...Respondent/State.

Appearance:-

Ld. Advocate Krishnakant Singh for the applicant/Accused.

Ld. Addl. P.P., Veena Shelar, for the State/respondent.

**CORAM : H.H. THE ADDL. SESSIONS JUDGE
ANAND PANDURANG KANADE (C.R.60)**

DATE : 23.12.2022.

ORDER

1. Vide present application under Section 438 of Code of Criminal Procedure, the applicant requested to release him on anticipatory bail in Crime No. 649 of 2022 registered at R.A.K. Marg Police Station for offences punishable under Sections 326, 504, 34 of the Indian Penal Code.

2. Complainant, Mohd. Rafiq Abdul Hamid Siddiqui is resident of Room No. 38, Jakeriya Bunder, Kranti Nagar, Sewree, Mumbai. On 10.11.2022 at about 10:30 p.m., applicants/accused Afsar, Pachi, Shehbaz and other 2 accused persons were playing cards in front of Samana Transport Jakeria Bunder. At that time, the complainant and other persons were watching the game. The accused Afsar lost that game. Complainant started laughing at the accused Afsar. Hence, accused Afsar started abusing to complainant and came on him in person. Then, the accused Pachi and present applicant also abused to the complainant. They also called the accused Javed at spot. Then, all the accused started assaulting to the complainant. Accused Afsar and Pachi caught hold the hands of complainant and applicant/accused Shehbaz inflicted blows of bamboo stick on the head of complainant. Resultantly, complainant sustained bleeding injuries. Then, Javed inflicted blow of iron rod on the left eye brow of complainant. The complainant fell down. Then, wife of complainant came at spot and tried to rescue the quarrel. All the accused also abused and assaulted to the wife of complainant. Then, accused Shehbaz and Afsar inflicted blows of bamboo stick on the right leg and back of complainant. Then, accused left the spot. The complainant was taken to K.E.M. Hospital and was treated there. Then, he lodged report against the accused with R.A.K. Marg Police Station. On that basis, Crime No. 649 of 2022 has been registered against the applicant/accused.

3. The applicant/accused has apprehension of his arrest in the above said crime. Hence, he has filed the present application to enlarge him on bail in the event of his arrest. He has raised grounds that he has been falsely implicated in the present case. At the time of incident, he was not present at spot. In order to extort the money from the

applicant, the complainant has filed the false report against him. He is the only bread earning member of his family. Other co-accused were arrested and enlarged on bail. There is no recovery or discovery at the hands of present applicant/accused. He is ready to co-operate the investigation agency. Hence, this application.

4. Investigating Officer and Ld. Addl. P.P. has filed their Say at Exh – 2 and resisted the bail application. It is submitted that the complainant and accused are residing in the same area and if the applicant is enlarged on bail, there is possibility of law and order situation. If he is enlarged on bail, there is possibility of repetition of crime and tampering of prosecution evidence. The investigation of the present crime is going on. Hence, it is prayed to reject the bail application.

5. Heard both the sides. Perused papers on record. It reveals that Investigating Officer visited the spot of occurrence and prepared Spot Panchanama and also seized bamboo stick and iron rod from the spot. He has also recorded the statement of witnesses. It also reveals that other co-accused were arrested and they are enlarged on bail. Considering the allegations against the applicant/accused, I am of view that his custodial interrogation is not necessary. The applicant/accused is permanent resident of Mumbai and he is ready to co-operate the investigation agency. Considering above reasons, I am of view that application deserves to be allowed but on certain conditions. Hence, following order.

:ORDER:

1. The Anticipatory Bail Application No. **2785 of 2022** is allowed as under:
2. In the event of arrest in Crime No. **649 of 2022** registered at R. A. K. Marg Police Station, the applicant **Shabaz Abdul Maruf Khan** be released on bail on executing personal bond of **Rs. 20,000/-** and surety bond of same amount.
3. The applicant shall attend the **R. A. K. Police** Station on every **Saturday** in between **11.00 a.m. to 01.00 p.m.** till filing of the charge-sheet.
4. The applicant shall not make any inducement or threat to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
5. The applicant shall not leave territorial limits of **Mumbai** without prior permission of the court.



(Anand P. Kanade)
Addl. Sessions Judge
Sessions Court,
Mumbai. C.R. 60

Dictated on : 23.12.2022
Transcribed on : 23.12.2022
Date of sign : 23.12.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

**23/12/2022 , 3.25 p.m.
UPLOAD DATE AND TIME**

**Mr. Prasad S. Pednekar
NAME OF STENOGRAPHER**

Name of the Judge (with Court Room No.)	HHJ Anand P. Kanade,(C.R.No.60) Addl. Sessions Judge.,City Civil & Sessions Court, Mumbai
Date of pronouncement of /Order	23.12.2022
Order signed by P.O. on	23.12.2022
Order uploaded on	23.12.2022