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

ANTICIPATORY BAIL APPLICATION NO.1159 OF 2015

Mohiuddin Bahauddin Sayeed	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr.Hassnain Kaazi Sayyed, for the Applicant.
Mr.S.S.Pednekar, APP for the Respondent – State.
API – Jyoti C. Gadkari, Dattawadi Police Station, Pune.

**CORAM : REVATI MOHITE DERE, J.
DATE : 31st AUGUST, 2015**

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.

2. By this Application, the Applicant seeks pre-arrest bail, in connection with C.R. No. 174 of 2015, registered with the Dattawadi Police Station, Pune, for the alleged offences punishable under Sections 143, 144, 145, 146, 147, 148, 149, 295, 307, 324, 427, 504 of the Indian Penal Code as well as under Section 4(25) of the Arms Act along with under Section 7 of Criminal Law Amendment Act and under Section 37(1) r/w 135 of Maharashtra Police Act.

3. The complainant is a social worker. He has alleged that on 7th July, 2015 at about 10.00 a.m. when he was at his residence, a person by name Jalinder came there and told him that people belonging to the Muslim Community were fighting in the area of Sainath Mitramandal, Plot No.39, Parvati Darshan, Pune. The informant is alleged to have gone to the said spot to see the incident. He has stated that 40 to 50 persons belonging to the Muslim Community were present at the spot and were using foul language and giving bad words to the members of the Hindu community. The said person are alleged to have been carrying with them swords, sticks and stones. It is alleged that they had caused damage to the motorcycles, rickshaws and other vehicles which were parked along the road. It is alleged that when the applicant tried to calm the said persons, some persons from the crowd assaulted the complainant on his head with swords thereby causing injuries to the complainant. Thereafter, the complainant and his friends ran from the spot and hid themselves in the office of the complainant. It is alleged that some persons from the crowd chased the complainant and his friends and threw stones at the office of the complainant and also damaged the motorcycles, cars and other vehicles parked outside the office of the complainant.

4. Learned Counsel for the Applicant submitted that the name of the present applicant does not find place in the FIR and the only allegation qua the present applicant is that he was present at the spot at the time of the alleged incident.

5. Learned APP on the instructions of the Investigating Officer, who is present in the Court, does not dispute the said fact. According to him, although the applicant has not assaulted the complainant he was a member of the unlawful assembly.

6. Perused the papers and the injury certificate of the injured complainant. The applicant has not been named in the FIR nor any overt act is attributed to him.

7. Considering the nature of allegations as against the applicant, the applicant is granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on

furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

- ii) The Applicant shall attend the Dattawadi Police Station, Pune on first Saturday of every month between 10.00 a.m. to 11.00 a.m., for a period of nine months from today ;
 - iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
 - iv) The Applicant shall co-operate in the conduct of the trial.
8. The Application is allowed and disposed of in above terms.
9. 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.
10. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.