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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1344 OF 2015**

Mohammed Rizwan Shaikh and Ors.	...Applicants
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.S.V.Marwadi, for the Applicants.

Ms. P. P. Shinde, A.P.P for the Respondent-State.

ASI - Pravin B. Bade, Vangaon Police Station, Palghar.

CORAM : REVATI MOHITE DERE, J.

DATE : 11th SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.I – 36 of 2014 registered with the Vangaon Police Station, Palghar, for the alleged offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code.
3. The complainant is one Hitendra Hemant Tamore. He has

alleged that on 6th October, 2014, two incidents took place, one at 7.00 p.m and the second at 7.45 p.m. In the incident of 7.00 p.m., he has alleged that when he and his brother – Kalpesh, were going on a motorcycle, some persons were walking on the road and obstructing them. He has alleged that inspite of requesting the aforesaid persons to move aside, the said persons refused and started abusing them and even gave fist blows to the complainant. It is alleged that at about 7.45 pm., when the complaint went to look for the aforesaid persons, he saw the three persons who were present in the incident of 7.00 p.m. It is alleged that there was altercation between them and in the said incident, one out of the three persons assaulted him on his stomach and cheek.

4. Learned Counsel for the Applicants submits that the names of the present applicants is not disclosed in the complaint nor any description is given in the said complaint. He submitted that neither of the applicants have been named by any of the witnesses. He submitted that the present applicants are not amongst the three persons who were present in the incident of 7.00 p.m. He further states that the present applicants have no antecedents and that the three applicants are young boys aged 19 to 20

years.

5. Leaned APP states that the name of the applicant no.1 has come in the statement of co-accused.

6. Perused the papers as well as the injury certificate. It appears that the applicants are not amongst the persons who are alleged to have caused the stab injury.

7. Considering the facts of the case and the material on record, the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall attend the concerned Police Station on every Saturday between 10.00 a.m., to 12.00 noon, till the filing of

the charge-sheet and thereafter on the first Saturday of every month between 10.00 a.m., to 12.00 noon, for a period of 12 months from the date of filing of the charge sheet;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

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

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

REVATI MOHITE DERE, J.