

Anand

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

ANTICIPATORY BAIL APPLICATION NO.414 OF 2016

Gous Ahamed Nabilal Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.J.D.Mane, Advocate, for the Applicant
Smt.Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.03.2016

P.C.

. Heard learned counsel for the Applicants
and the learned APP for the Respondent – State.

2. By this Application, the Applicants seek
pre-arrest bail in connection with C.R.No.270 of
2015 registered with the Jail Road Police Station,
Solapur, for the alleged offences punishable under
Sections 307, 324, 143, 147, 148, 149, 323,
504, untitled folder 506 of the Indian Penal Code

and under Section 4 r/w.25 of the Arms Act and under Section 135 of the Bombay Police Act.

3. The incident in question has taken place on 01.12.2015. Learned counsel for the Applicants states that all the Applicants have been falsely implicated in the said case. He submitted that there is an outgoing dispute between two sides, which has led to the filing of this false case. He further submitted that though some of the Applicants were not present at the spot, they have been falsely implicated in the said case. He submitted that a perusal of the FIR shows, that it was only Daula Nalband who is alleged to have assaulted the complainant's younger brother Salauddin, with an iron rod on his head. He submitted that no overt act has been attributed to any other accused and the injuries sustained by the injured are simple in nature.

4. Learned APP states that there is no overt act attributed to the present Applicant and that the injury caused to Saluddin is caused by Daula Nalband with an iron rod on his head. Learned APP on the instructions of the investigating officer, who is present in Court, states that there are no antecedents qua the Applicant.

5. Perused the papers. It appears that there is no specific overt act as against the Applicant. The injury caused to Salauddin is by Daula Nalband with an iron rod on his head.

6. Considering the nature of injuries and the peculiar facts of the case, the Applicant is granted anticipatory bail on the following terms & conditions.

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the

sum of Rs.15,000/-with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Jail Road Police Station, Solapur on every Sunday of every month between 11.00 a.m. and 12.00 noon till the filing of the charge-sheet;

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

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately 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.

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

8. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)