

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 621 OF 2016**

1. Saddam Husain Mahiboob Nalband,
2. Sarfraj Mohamadsharif Nalband ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Jaydeep D. Mane for the Applicants

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

PSI Mr. S. K. Khatane from Crime Branch, is present.

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 6th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks 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, 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 1st December, 2015. Learned Counsel for the applicants states that the applicants have been falsely implicated in the said case. He submitted that there is an outgoing dispute between the 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. Learned Counsel for the applicants submits that the applicants are entitled to be enlarged on the ground of parity. He submits that similarly placed co-accused have been enlarged by this Court vide order dated 16th March, 2016 passed in Anticipatory Bail Application No. 413 of 2016.

4. Learned A.P.P on the instructions of the Investigating Officer, who is present in Court, does not dispute the said fact that the applicants' roles are similar to other co-accused, who have been granted anticipatory bail.

5. Considering the aforesaid, 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 report to the Investigating Officer of the Jail Road Police Station, Solapur, on every Sunday from 11:00 a.m to 12:00 noon till the filing of the charge-sheet;

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

(iv) The applicants shall inform their latest places of residence and mobile contact numbers 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.

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.

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

REVATI MOHITE DERE, J.