

Anand

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

ANTICIPATORY BAIL APPLICATION NO.413 OF 2016

1. Khaja Daud Mohabad Yusuf Nalband .Applicants
2. Jilani Mahammad Ismail Nalband
3. Arif Jilani Nalband
4. Juber Mohamood Nalband
5. Gous Khaja Daud Nalband
6. Kasim Sharif Nalband
7. Mahamud Yusuf Nalband
8. Mainoddin Mahammad Sharif Nalband
9. Khalil Khajadaud Nalband
10. Saif alias Harun Razzak Mangalgiri
11. Faruk Razzak Mangalgiri
12. Haroon Rafiuddin Vallampalli
13. Iliyas A. Rajak Mutavalli
14. Altaf Rafiuddin Vallampalli

Vs.

The State of Maharashtra .Respondent

Mr.J.D.Mane, Advocate, for the Applicants
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, 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 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.

4. Learned APP on the instructions of the investigating officer, who is present in Court states, that the Injury Certificates show that the injuries are simple in nature. Learned APP has tendered the Injury Certificates of Salauddin Shaikh, Imran Hawaldar, Jainoddin Shaikh & Anwar Jakler. She submitted that as far as Salauddin Shaikh is concerned, the injury was caused by Daula Nalband and the Applicant No.1 is also alleged to have assaulted Salauddin on his head. Perused the Injury Certificates. It appears that the injury sustained by Salauddin is one CLW on the front portion of the parietal region, with a sharp weapon. The said injury is simple in nature. The

second injury is an abrasion. She submits that as far as the Applicant Nos.9 & 14 are concerned, both have been arrested. Learned APP on the instructions of the investigating officer, who is present in Court states that as far as the Applicant Nos.1 to 8 & 10 to 13 are concerned, there are no antecedents qua them.

5. Perused the papers. It appears that there is no specific overt act as against any of the Applicants. 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 Nos.1 to 8 & 10 to 13 are granted anticipatory bail on the following terms & conditions.

ORDER

(i) In the event of the arrest, the applicant Nos.1 to 8 & 10 to 13 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 applicant Nos.1 to 8 & 10 to 13 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 Nos.1 to 8 & 10 to 13 shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicant Nos.1 to 8 & 10 to 13 shall inform their 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.)