

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.626 OF 2016

Manal Sagheer Ahmed Ansari ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Rajendra Rathod, for the Applicant.

Mrs. A.T. Javeri, APP for Respondent – State.

Mr. B.S. Pawar (PSI), Bhiwandi police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **6th APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 326, 143, 147, 148 and 149 of the Indian Penal Code and under Section 37(1) read with 135 of Bombay Police Act in C.R. No. I-75 of 2016 registered with Bhiwandi Town police station, Thane. The offence is registered at the instance of one Shafiqul Momeen on 29th March, 2016.

2. It is the case of the prosecution that the complainant and his brother Waqar Momeen have dispute in respect of their ancestral

property. On 20th March, 2016 at around 11.30 pm, there was some verbal altercations between the brothers and their children. Thereafter, the co-accused Musharf, Affan and Nadeem arrived there. The co-accused Nadeem was armed with chopper. They assaulted the complainant and his son Hassan. The complainant and his son Hassan got injured. Hence, this complaint.

3. The learned counsel for the applicant/accused submits that the applicant/accused Manal Sagheer Ahmed Ansari was not present at the time of the incident. He has not committed any offence. He has not assaulted either the complainant or his son.

4. The learned prosecutor oppose the application.

5. Today though it is the first date, as the anticipatory bail first preferred before the learned Sessions Judge and it was rejected, I perused the first information report and the police papers. It appears from the statement of injured Hassan and the complainant Momeen that though the applicant/accused was present at the time of incident, he was not holding any weapon. The role attributed to the

applicant/accused is only of giving fist blows. On query, there are no criminal antecedents against the applicant/accused. Hence, I am inclined to grant pre arrest bail to the applicant on the following terms and conditions:

- a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- with one or two solvent sureties in the like amount;
- b) The applicant shall not tamper with the evidence;
- c) He shall not indulge into any criminal activity and not to pressurize the complainant and other witnesses.
- d) The applicant shall cooperate with the Investigating Officer and shall attend concerned police station twice on 11th and 18th April, 2016 between 6.00 pm to 8.00 pm and further as and when called by the investigating officer.

6. In view of above, the Anticipatory bail application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)