

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

ANTICIPATORY BAIL APPLICATION NO.1276 OF 2018

Shakir Shahabuddin Sayyed Applicant
Vs.
The State of Maharashtra Respondent

**ALONGWITH
ANTICIPATORY BAIL APPLICATION NO.1277 OF 2018**

Nasir Yakub Sayyed & Anr. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Kuldeep Patil a/w Mr. Prashant Subhash Hagare for the Applicants.
Mr. S.S. Dabake APP for the State.
Mr. Prakash Waghmare, API, Karmala Police Station, Solapur.

Coram : ***Smt. Sadhana S. Jadhav, J.***
Date : 29th June 2018

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 These are the applications under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their

arrest in Crime No.286 of 2018 registered at Karmala police station, District Solapur, for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 504 and 506 of Indian Penal Code.

3 It is the case of the prosecution that on 12th April 2018, the complainant was admitted in the Civil Hospital with injuries alongwith other injured persons. His statement was recorded and he had disclosed to the Doctor that he was proceeding towards Dairy, Shabuddin Sayyed had overtaken him on his motorcycle, thereby causing injuries to the paternal uncle of the first informant. Soon thereafter, the complainant was also assaulted. The name of the applicants are not mentioned in the F.I.R. However, they are being prosecuted for the said offences. Hence, these applications.

4 Learned counsel for the applicants submits that the incident had occurred on 8th April 2018, whereas the report is lodged only after two weeks. This happens to be a case of cross-complaints. On the basis of the report filed by one of the members of the applicants, Crime No. 286 of 2018 is registered, whereas in Crime

No. 286 of 2018, the applicants are accused. Learned counsel for the applicants submits that one of the member of the group of the applicants had filed a report in respect of the same incident on the basis of which Crime No. 281 of 2018 is registered only as a counter-blast to the said complaint. Except Bacchan Pandurang Shinde, all the other witnesses have received simple injuries. Learned counsel for the applicants submits that Bacchan Shinde had sustained one grievous injury on his left hand and that he is discharged from the hospital. There is no specific motive against the present applicants. In view of this, the applicants deserve to be granted pre-arrest bail. Hence, the following order :

ORDER

- i) The applications are allowed.
- ii) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. bonds of Rs.50,000/- each with one or two solvent sureties in the like amount.

iii) The applicants shall report to the concerned police station from 3rd July 2018 to 6th July 2018 everyday between 10.30 am to 1.00 pm. and co-operate with the investigation agency to the best of their capacity.

(*Smt. Sadhana S. Jadhav, J*)