

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

ANTICIPATORY BAIL APPLICATION NO. 1903 OF 2018

Samsuddin Akram Hubain Shah	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Arun Rajput I/by Ms. Anjali Patil for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 18th SEPTEMBER, 2018.

P.C.

1. The applicant is apprehending arrest in connection with CR No. 64 of 2018 registered with R.C.F. Police Station for the offences punishable under Sections 307, 143, 147, 149 of Indian Penal Code as well as Sections 37(1) and 135 of Maharashtra Police Act.

2. The case of the prosecution is that on 26th February, 2018 the complainant was proceeding to his house when he noticed that his cousin was playing cricket. There was quarrel between his cousin and his friend on account of the game of cricket. At that time Shamsuddin (applicant) came there and assaulted one of the boy. The complainant requested him not to assault the boy. At

that time, Irshad came there with iron rod and gave blow on the forehead of the complainant. The other accused gave fist blows to them and also assaulted by iron pipe. The accused also assaulted the injured persons by paver block. Pursuant to that the FIR was registered. It is also apparent that cross case was registered vide CR No. 63 of 2018 on the basis of statement of Taslin Shah for the offences punishable under Sections 307, 143, 147, 149 of Indian Penal Code. The applicant's side had also sustained injuries.

3. Learned advocate for the applicant submitted that quarrel had arisen on account of petty issue between two groups. Applicant has been attributed to the role of assault by paver block to Shashikant Mirashi.

4. Learned APP submitted that there was quarrel between two groups. Cross FIRs were registered at the instance of both the sides.

5. On perusal of the FIR and other documents, it is apparent cause of the quarrel was cricket match being played between the children. Both sides had indulged in violence. It appears that eight persons in the present case have been arrested and they were granted bail. On perusal of the injury certificate of Rakesh Choudhary, it appears that he had sustained injury on his forehead

which is simple in nature. The injury sustained by Vinayak Mirashi is also simple in nature. Akhilesh Singh has also sustained injury purportedly by stone which is also simple in nature. The injury certificate of Shashikant Mirashi shows that he has sustained injury to his head by blunt object and the injury certificate refers to CLW which is simple in nature. However, learned APP submitted that he has sustained eleven stitches on his head.

6. On perusal of the document on record, it is apparent that both sides have lodged the complaints against each other. Weapons are recovered from the accused who are already arrested by the investigating machinery. The injured person from the applicant's side had also sustained injuries. There was a free fight between both the groups who had assaulted each other. This court had granted anticipatory bail to co-accused Mohammad Shaif Mustakim Mohammad Shah vide order dated 10th September, 2018 passed in ABA No. 1839 of 2018

7. In the circumstances, case of grant of anticipatory bail is made out.

ORDER

(i) In the event of arrest of applicant in connection with CR No. 64 of 2018 registered with R.C.F. Police Station, the applicant be

released on bail on furnishing P.R. Bond in the sum of Rs.20,000/-
with one or more sureties in the like amount;

(ii) The applicant shall report the Investigating Officer of R.C.F. Police Station twice a week on every Wednesday and Friday between 10 am to 12 noon till filing of chargesheet and thereafter on every first Saturday between 10 am to 12 noon;

(iii) The applicant shall not tamper with the evidence;

(iv) Application stands disposed off.

Sachidanand
Kuttan Nair

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.09.21
12:02:02 +0530

(PRAKASH D. NAIK, J.)