

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

ANTICIPATORY BAIL APPLICATION NO.2286 OF 2018

1. Shafiq @ Juganu Siraj Shaikh	
2. Mohsin Ramzan Sayyed	...Applicants
Versus	
The State of Maharashtra	...Respondent
.....	
Mr. Ashok B. Tajane for the Applicants.	
Mr. S.S. Pednekar, APP for the Respondent -State.	

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 1st NOVEMBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R. No.68 of 2018 registered with Samarth Police Station, District-Pune (city), for offences punishable under Sections 143, 144,147, 148,149, 323, 341, 352, 504 and 506 r/w. 149 of the Indian Penal Code, 1860 and Section 3 and 4 r/w. 25 of the Arms Act and Section 7 and 37(1) (3) r/w. 135 of the Maharashtra Police Act.

2. Heard Mr. Ashok B. Tajane, the learned counsel for the Applicants and Mr. S.S. Pednekar, the learned APP for Respondent-State. I have perused the records and considered the submissions

advanced by the learned counsel for the respective parties.

3. The aforesaid crime is registered pursuant to the FIR lodged by one Somnath Gaikwad. He had lodged the FIR alleging that on 2.4.2018 the Applicant alongwith others formed an unlawful assembly armed with weapons and that they stopped their vehicle and pointed a fire arm at him. It is also stated that the said persons assaulted him and his associates -Viresh Kumbhar, Aba Kadam, Prashant Alhad, Bunty Dabhekar and Shakib Shaikh, etc. by kicks and blows. The records reveal that one of the co-accused -Tanvir Shaikh had also lodged counter case against the first informant and others alleging that they had formed an unlawful assembly. Pursuant to the said FIR C.R. No.67 of 2018 was registered for similar offences.

4. The accused in C.R. No.67 of 2018 have already been granted bail. The offences alleged to have been committed by the present Applicants are punishable with maximum punishment of three years.

5. Considering the above facts and circumstances, and also considering the fact that the accused in counter case are released on bail, in my considered view this would be a fit case for grant of pre-arrest bail. Hence, the following order:-

- (i) In the event of arrest of the Applicants in C.R. No.68 of 2018 registered with Samarth Police Station, District-Pune (city), the Applicants shall be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two sureties in the like amount.
- (ii) The Applicants shall report to the investigation officer of the Samarth Police Station for a period of four days from 12.11.2018 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required and called by the investigation officer.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned investigation officer.
- (iv) The Applicants shall not change their residential addresses without prior intimation to the concerned investigation officer.
- (v) The Applicants shall not interfere with the first informant and/ or other witnesses in any manner.

6. Parties to act on an authenticated copy of this order.

(SMT. ANUJA PRABHUDESSAI, J.)