

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.235 OF 2019

Alislamoddin s/o Fijjauddin Abadiraje & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Sachin Deokar I/b Mr. Mohammad Mulla, Advocate for the Applicants.

Mrs. A.A. Takalkar, APP for the State/Respondent.

API Pavai attached to Sadar Bazar Police Station, Solapur City.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 12 JUNE, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.943/2018 registered with Sadar Bazar Police Station, Solapur City u/sec. 307, 324, 143, 147, 148, 149, 323, 504, 506 of I.P.C., under Sections 4, 25 of the Indian Arms Act and under Section 37 (1), 135 of the Maharashtra Police Act.

2. The FIR is lodged by one Tajuddin Nijamuddin Aabadiraje in respect of the incident which had taken place on 09/12/2018 at about 5.00 p.m. at Sadar Bazar, Solapur. The first informant and his son

Shahabuddin was assaulted by the present applicants and others. The FIR describes the role played by each of the assailants. It is mentioned in the FIR that all the assailants were close relatives being brothers and nephews of the first informant. In the FIR the first informant has mentioned the role played by each of the applicants. The main assailant who is on bail assaulted Shahabuddin @ Saddam on his head. The others assaulted the first informant and his son with kicks, fist blows, iron rods etc.

3. Ld. APP has shown the injury certificates in respect of the first informant and his son. The first informant's son Shahabuddin @ Saddam has suffered one CLW which required suturing. There is one other minor injury on the big toe. The first informant himself has suffered three minor injuries. Therefore, it is doubtful as to whether Section 307 of I.P.C. is made out. The assailants were more in numbers and it was easily possible for them to have caused more physical damage to the first informant and his son.

4. Ld. Counsel for the applicant has relied on the order passed by this court (Coram : Nitin W. Sambre J.) on 01/02/2019 in ABA

No.244/2019 whereby anticipatory bail was granted to a co-accused Salauddin Nijamoddin Abadiraje. The main accused is already granted bail by the Sessions Court. Thus, there is not much of a difference between the role played by the present applicants and Salauddin Nijamoddin Abadiraje who is granted anticipatory bail by this court. Ld. APP pointed out that the charge-sheet is already filed in this case against other accused and therefore at least in this case the custodial interrogation of the applicants is not required. Therefore, on the ground of parity, applicants also deserve to be granted similar relief. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R.No.943/2018 registered with Sadar Bazar Police Station, Solapur City, the Applicants be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)