

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

ANTICIPATORY BAIL APPLICATION NO.929 OF 2019

Altaf Sattar Sayyad & Anr.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Nitin Satpute a/w Ms.Divya R. Gupta, Advocate for Applicant.
- Mrs.A.A. Takalkar, APP for the State/Respondent.
- PN Mr.Ramesh Balasaheb Kale, Daund Police Station, Pune, present.
- IO G.P. Jadhav, Posai, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th JUNE, 2019

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.123/19 registered with Daund Police Station, Pune, under sections 306, 504, 506 r/w 34 of the Indian Penal Code and under section 4 r/w 25 of the Arms Act.

2. The FIR is lodged by one Sadiq Firoz Pathan. He has

stated in his FIR that on 28/02/2019 at around 07.30 p.m. the first informant was present near Ganpati Temple with one Sharif Ahmed Shaikh and his nephew Ayan. That time suddenly the present Applicant No.1 with sword and present Applicant No.2 and others with iron pipes, came there. The Applicant No.1 assaulted the first informant with sword on his head. Ayan was assaulted by Faizal with iron rod and the Applicant No.2 abused and threatened all of them. The others present at the spot rescued the injured. The first informant and Ayan were taken for medical treatment. They were removed to Pyramid Hospital at Daund. Thereafter the first informant has lodged his FIR as mentioned earlier. Mr.Satupute learned Counsel for the Applicant submitted that no specific role of assault is attributed to Applicant No.2. He further submitted that the Applicant No.1 is supposed to have assaulted the first informant with sword and there is no corresponding injury on the person of the first informant.

3. On the other hand, learned APP pointed out that Ayan

had suffered depressed fracture of skull, which was a grievous injury. Therefore section 307 is made out. At this stage, it is not possible to segregate the role played by each of the accused. All of them have come together with weapons and injured were assaulted in presence of all of the accused. Hence no case is made out for anticipatory bail and custodial interrogation of the Applicants is necessary, considering the gravity of the offence. Hence the anticipatory bail application stands rejected.

(SARANG V. KOTWAL, J.)