

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1544 OF 2019

Gufran Akbar Shaikh & Ors .] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Sanjeev Deore a/w Mr. Vaibhav Kadam a/w Ms. Suchita Pawar,
Advocate for the Applicants.

Mr. S.H. Yadav, APP for the State/Respondent.

PSI P.A. Pawar attached to Yeola Police Station, District Nashik
present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 1st AUGUST, 2019.

P. C. :-

1. The applicants are seeking their release on bail in connection with C.R.No.I-64/2019 registered at Yeola Police Station, District Nashik u/sec.307, 452, 143, 147, 148, 427, 324, 325 r/w 149 of I.P.C., u/sec.135 of the Maharashtra Police Act and u/sec.4 r/w 25 of the Indian Arms Act.

2. The FIR is lodged by one Jafar Shaikh. He has stated in his FIR that, on 29/04/2019 at 5.00 a.m., when he was at home, about seven persons came in front of his house. The applicants were

accompanying other accused. The informant was called outside his house. Accused Annu Ghasi confronted him with the allegations that, he was having illicit relations with a known lady. While the informant was trying to discuss with those people, suddenly they got angry and accused Samir Ansari gave a blow of sword on his head. The present applicants are alleged to have assaulted him with hockey sticks on his leg, back and shoulder. Applicant Nos.2, 3 and accused Akbar damaged his motorcycle and other motorcycle of his neighbour. On this basis, the FIR was lodged.

3. Heard Mr. Sanjeev Deore, Ld. Counsel for the Applicants and Mr. S.H. Yadav, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicants submitted that, the informant had suffered simple injuries. The applicants are not attributed any serious role of causing serious injuries. The other co-accused namely Tanvir Ansari whose role is similar is granted anticipatory bail by this court vide order dated 26/07/2019 in ABA No.1658/2019. Apart from him, other co-accused Annu Ghahsi and Akbar Shaikh are also granted

anticipatory bail. Thus, according to Ld. Counsel for the applicants, the present applicants deserve to be released on bail on the ground of parity.

5. The informant had suffered five injuries as follows.

1. Head injuries.
2. Multiple CLW over occipital region of the dimensions 3 x 2 x 1 cm.
3. Blunt trauma to nose, head and chest.
4. Blunt trauma to oral gums, causing oral bleed.
5. Blunt trauma to chest and abdomen.

6. All these injuries are simple in nature. They are not life threatening injuries. The applicants and others had ample opportunity to cause serious injuries or even commit murder of the informant if they so desired. The applicants and accused were more in number and they were present with weapons and yet they did not cause any serious injuries. This shows that, they had no intention to commit murder of the informant. In any case, the other co-accused are granted anticipatory bail, therefore principle of parity is also applicable to the present applicants. In this view of the matter, the

applicants have made out a case for their release on bail. Hence, the following order.

ORDER

1. The Applicants are directed to be released on bail in connection with C.R.No.I-64/2019 registered at Yeola Police Station, District Nashik, on their furnishing 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.)