

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1467 OF 2019

Ajhar Dastgir Fhagir] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Satyavrat Joshi a/w Mr. Nitesh Mohite, Advocate for the Applicant.

Mr. Y.M. Nakhwa, APP for the State/Respondent.

PSI Ranjit Patil attached to Shahupuri Police Station, Kolhapur present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 10th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.286/2019 registered with Shahupuri Police Station, Kolhapur u/sec. 307, 326, 324, 143, 144, 147, 148 r/w 149 of I.P.C. and u/sec.4, 25 of the Indian Arms Act.

2. The FIR is lodged on 08/05/2019 by one Hamid Vepari. He has stated in his FIR that on 07/05/2019, there was some dispute between two groups while going to a Masjid. At around 10.00 p.m. to 10.30 p.m., a group of 30 to 40 people gathered there. They were from the

opposite group of the first informant. When they were discussing amongst themselves, suddenly the opposite group belonging to the present applicant started assaulting the informant's group with sticks, stones and soda water bottles. While describing the incident, the first informant has stated that the present applicant had assaulted one Munna Vepari with wooden sticks on hands and legs. The others were also assaulted. Based on these allegations, the FIR was lodged.

3. Heard Mr. Satyavrat Joshi, Ld. Counsel for the Applicant and Mr. Y.M. Nakhwa, Ld. APP for the State/Respondent.

4. Mr. Joshi submitted that there is a counter FIR at the instance of opposite party bearing C.R. No.287/2019 registered at the same police station against the group of the first informant. He further pointed out that none of the members of the informant's group had suffered any grievous injuries. Hamid and Munna have suffered simple injuries. I am informed that the third injured Arif has also suffered simple injuries. The role attributed to the present applicant is that he assaulted Munna Vepari. The informant has suffered only contusions on his hands and legs.

5. In this view of the matter, it is apparent that, the applicant has not played any significant role. The role attributed to him is very minor. There is a counter case, therefore the allegations in the FIR need to be scrutinised during trial. At this stage, the applicant had made out a case for anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.286/2019 registered with Shahupuri Police Station, Kolhapur the Applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)