

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1606 OF 2019

Aaffan Farooq Sayyad (Inamdar)] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Umesh Mankapure, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

PSI Sandeep Digambar Warpade attached to Wanwadi Police Station,
Pune City present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 23rd JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.232/2019 registered with Wanwadi Police Station, Pune City u/sec. 143, 144, 147, 148, 149, 324, 352, 323, 504 of I.P.C. and u/sec. 37 (1) (3) r/w 135 of the Maharashtra Police Act and u/sec.4 r/w 25 of the Indian Arms Act.

2. The offence is registered at the instance of the first informant Anwar Shamshuddin Inamdar. The FIR is registered on 08/04/2019 at around 1.32 a.m. The FIR is in respect of the incident which had taken place at 7.00 p.m. on 07/04/2019. The first informant and the

present applicant had attended a political rally at around 4.00 p.m. At that time, the applicant's brother and the first informant had a quarrel on some petty issue. It is the case of the first informant that, at 7.00 p.m., when the first informant was having tea in hotel Subhanallah with his friends, the present applicant, his brother Sufiyan and about 10 to 12 others came there. The applicant and his brother were carrying koyata. The others were carrying hockey sticks and bamboo. It is further alleged in the FIR that, applicant's brother tried to assault the first informant with koyata on his hand. However, he evaded that blow. The present applicant and others assaulted him with bamboo. People from locality intervened and separated the quarrel. Thereafter, this FIR is lodged.

3. Heard Mr. Umesh Mankapure, Ld. Counsel for the Applicant and Mr. Prashant Jadhav, Ld. APP for the State/Respondent

4. Ld. Counsel for the applicant submitted that, the applicant is falsely implicated due to local politics. He invited my attention to the FIR lodged by the applicant himself vide C.R. No.235/2019 at the same police station. This FIR was lodged on 10/04/2019 for various

offences. The main offence in that F.I.R. is u/sec. 325 of I.P.C. He also relied on the medical certificate showing fracture to his wrist. He submitted that pre-empting arrest in C.R. No.235/2019, the present FIR is lodged by the first informant.

5. Ld. APP submitted that, the offence is serious and looking at the manner in which the offence had taken place, the applicant did not deserve to be released on anticipatory bail.

6. Ld. APP produced before me the investigation papers which include the injury certificates of three injured namely Amanullah Sayyad, Anwar Sayyad (First Informant) and Tajjuddin Pathan. All of them have suffered minor simple injuries in the nature of abrasions. None of them has suffered any grievous or serious injury.

7. Thus, it appears to be a minor incident where none from the informant's group was injured seriously. The main offence does not travel beyond Section 324 of I.P.C. In this view of the matter, the applicant can be protected by the order of anticipatory bail. His custodial interrogation is not necessary. However, he shall co-operate

with the investigation. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.232/2019 registered with Wanwadi Police Station, Pune City, the Applicant is directed to 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. The applicant shall attend the concerned police station as and when called.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)