

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1659 OF 2019

Annu Babu Ghasi @ Anwar Babubhai Shaikh] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Sanjeevkumar Bapu Deore a/w Ms. Suchita Pawar i/b Mr. Vaibhav Kadam, Advocate for the Applicant.

Mr. S.S. Pednekar, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 26th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.I-64/2019 registered at Yeola Police Station, Nashik u/sec.307, 452, 143, 147, 148, 427, 324, 325 r/w 149 of I.P.C. and 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 applicant was one of them. The informant was called outside his house. One of the accused confronted him with the allegations that, he was having illicit relations

with a known lady. While the informant was trying to discuss with those persons, suddenly they got angry and the accused Samir Ansari gave a blow of sword on his head. The other accused assaulted him with hockey sticks on his neck, back and shoulder. The present applicant is alleged to have given blow of fist and kick blows. He was not carrying any weapon. The informant's motorcycle was damaged. On this basis, the FIR was lodged.

3. Heard Mr. Sanjeevkumar Deore, Ld. Counsel for the Applicant and Mr. S.S. Pednekar, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submits that, the informant has suffered simple injuries and no serious role is attributed to the present applicant. He relied on the order passed by this court in ABA No.1618/2019 in which the anticipatory bail was granted to co-accused Akbar Babu Shaikh (Ghasi) vide order dated 23/07/2019. He submitted that, his role is similar to the present applicant and therefore on the ground of parity also, he deserves protection of anticipatory bail.

5. Ld. APP submits that, looking at the manner in which the informant was assaulted, the applicant do not deserve protection of anticipatory bail.

6. The medical certificate shows that, the informant had suffered head injuries and multiple CLWs over occipital region and dimensions of 3 x 2 x 1 cm. There were three blunt traumas on nose, mouth and chest. The medical certificate does not reveal that, the injuries were grievous or serious. Therefore, prima facie Section 307 of I.P.C. does not seem to be attracted.

7. The applicant was not carrying any weapon and he had given blows with fist to the first informant. His role is similar to the role of Akbar Babu Shaikh (Ghasi) who is granted anticipatory bail by this court vide order dated 23/07/2019. Hence, on the ground of parity also, the applicant deserves protection of anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.I-64/2019

registered at Yeola Police Station, Nashik, 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. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)