

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

ANTICIPATORY BAIL APPLICATION NO.1726 OF 2019

Allauddin Abdulkadir Kokani & Ors. Applicants

versus

The State of Maharashtra Respondent

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- Mr. Sandeep D. Shinde I/b. Akshay S. Purkar, Advocate for Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.
- Mr. Vishal Mule, PSI, Bhadrakali Police Station, Nashik City present.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th AUGUST, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R. No.I-655/2019 registered with Bhadrakali Police Station, Nashik City, on 23/7/2019 under Sections 307, 143, 147, 323 r/w. 149 of IPC.

2. The FIR is lodged by one Nizam Kokani. He has stated in his FIR that there was a dispute between one Ishtiyag who was uncle of the first informant on one hand and applicant No.1 on the other. The friends and other respectable people from their community tried to resolve the dispute. However, applicant No.1 had lodged his complaint at Bhadrakali Police Station against Ishtiyag and his group on 23/7/2019. Ishtiyag and his group were trying to settle this matter with the applicants' group. It is further alleged in the FIR that while the settlement talks were going on, just after discussion, about eight persons including the present applicants came near the first informant who was accompanying Ishtiyag. The accused picked up the tiles from the road and started assaulting the first informant. He has further stated in his FIR that accused Imran and Nazim caught him tightly and Mustafa gave a blow of a tile on his head and others assaulted Ishtiyag by kicks and fist blows. On these allegations, the FIR is lodged.

3. Heard Mr. Sandeep Shinde, Ld. Counsel for the Applicants and Smt. Takalkar, APP for the State/Respondent.

4. Mr. Shinde submitted that Mustafa from applicant's group had lodged a counter FIR in this connection. It is registered as C.R. No.I-656/2019 at the same police station on the same date. He submitted that the incident described in the FIR is exaggerated and not true. There is an attempt to implicate the present applicants falsely because of the previous dispute.

5. Ld. APP produced before me papers of investigation carried out so far. There are eye witnesses to the incident namely Nizamuddin, Ishtiyak etc. They have corroborated the statement of the first informant. The investigation papers also include the injury certificate in respect of injury suffered by the first informant. Those injuries are two CLWs on forehead and right hand respectively. Both these injuries are described as simple injuries.

6. I have considered these submission. The main role is attributed to Imran, Nazim and Mustaq. The general role is attributed to the present applicants. None of the accused had gone to the spot with weapons. Therefore, it cannot be said that they

had common intention or they had common object to commit this offence. In any case, the injuries suffered by the informant are simple injuries. Therefore, no purpose will be served by custodial interrogation of the applicants. The applicants' group had also lodged a counter FIR in this case. Therefore, there is a strong possibility that the applicants are implicated falsely. With this background, I am inclined to grant anticipatory bail to the applicants. Hence, the following order.

ORDER

- (i) In the event of their arrest in connection with C.R. No.I-655/2019 registered with Bhadrakali Police Station, Nashik City, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in like amount.
- (ii) The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)