

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

ANTICIPATORY BAIL APPLICATION NO. 1888 OF 2019

Imran Gulamgaus Kokani Applicant

Versus

The State of Maharashtra Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1889 OF 2019**

Nazimuddin Gayasuddin Konkani Applicant

Versus

The State of Maharashtra Respondent

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Mr.Sandeep D. Shinde i/b Akshay S. Purkar, Advocate for
Applicant in ABA/1888/2019.

Mr.Sandeep D. Shinde i/b Ravi V. Asabe, Advocate for Applicant in
ABA/1889/2019.

Mr.S.H. Yadav, APP for the State/Respondent in ABA/1888/2019 .

Mr.Prashant Jadhav, APP for the State/Respondent in
ABA/1889/2019 .

Mr. V.D. Mule, PSI attached to Bhadrakali Police Station, Nashik.

**CORAM : SARANG V. KOTWAL, J.
DATE : 29th AUGUST, 2019**

P.C. :

1. The applicants are seeking Anticipatory Bail in connection with C.R. No. I-655 of 2019 registered with Bhadrakali Police Station, Nashik City, on 23/07/2019 under Sections 307, 143, 147, 323 r/w. 149 of I.P.C.

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 accused Aladin on the other. The friends and other respectable people from their community tried to resolve the dispute. However, a complaint was lodged at Bhadrakali Police Station against Ishtiyag and his group on 23/07/2019. 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 tiles from the road and started assaulting the first

informant. He has further stated in his FIR that the present applicants Imran and Nazim caught him tightly and Mustafa gave a blow of a tile on his head and others assaulted Ishtiyag by kicks and first blows. On these allegations, the FIR is lodged.

3. Heard Mr. Sandeep Shinde, Learned Counsel for the Applicants and Mr. S.H. Yadav in ABA/1889/2019 and Mr. Prashant Jadhav in ABA/1889/2019 for the State/Respondent.

4. Learned Counsel for the applicant submitted that one 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 is not true. There is attempt to implicate the present applicants falsely because of the dispute.

5. Learned APP produced before me papers of investigation carried out so far. There are eye witnesses to the

incident namely Nizamuddin, Ishtiyaq etc. They have corroborated the statement of the first informant. The investigation papers also include the injury certificate in respect of injuries 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 submissions. The specific role attributed to the present applicant is that they had held the injured and the accused Mustafa had gave a blow with a tile on the informant's head. The applicants had not gone at the spot with weapons and they had not used any weapons including tiles. Therefore, it cannot be said that they had any common intention or common object to commit this offence amounting to attempt to commit murder. 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 applicant's 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 of 2019 registered with Bhadrakali Police Station, Nashik City, the Applicants are directed to be released on bail on their executing P.R. bond in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each only) with one or two sureties each in the like amount.
- (ii) Both these applications are accordingly disposed of.

(SARANG V. KOTWAL, J.)