

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

ANTICIPATORY BAIL APPLICATION NO.1951 OF 2019

Bilalahmed Gaus Kokani

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Anwar I. Nizami I/b mr. Umar Kazi, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. Vijaysingh S. Jonwal, PSI, Bhadrakali Police Station, Nasik.

**CORAM: SARANG V. KOTWAL, J.
DATE : 4th SEPTEMBER, 2019**

P.C. :

1. The applicant is seeking anticipatory bail in connection with CR No. I-656/19 registered at Bhadrakali Police Station, Nasik on 23rd July 2019 under sections 307, 324, 504, 143, 147, 148, 323 read with 149 of the IPC and under Section 135 of the Maharashtra Police Act.
2. The FIR is lodged on 23rd July 2019 by one Gulam Mustafa Gaysuddin Konkani. He has stated in the FIR that one

Ishtiyak Kokani was maternal cousin of the informant. Ishtiyak and informant's family were residing in adjoining houses and there were long standing disputes between the families in respect of some land. It is alleged that Ishtiyak was harassing the informant's family. On 22nd July 2019, the informant's mother had given complaint at Bhadrakali Police Station against Ishtiyak and others. On 23rd July 2019, the informant was telephonically told by his father that Ishtiyak and others had gathered at the house of one Zuber and they were abusing the informant's family. Though the FIR itself does not name the present applicant as one of the persons who had gathered with Ishtiyak in this part of the incident. The statement of Gayasuddin Kokani and Zakir recorded on 8th August 2019 mentioned the applicant's name as one of the persons, who was accompanied Ishtiyak in this part of the incident of abusing the informant's family. Thereafter, the informant rushed there. It is alleged that Ishtiyak, Ziauddin Kokani, Hussain Kokani, Nizam Kokani, Dastagir Kokani, Aabid Kokani and Ashpaq Kokani came towards him aggressively. The informant tried to run away. At

that time one Gulamkhwaja came there with sword in his hand and he tried to assault the informant. The informant evaded the blow, but he fell on the ground. Other accused Dastagir, Nizam and Hussain assaulted him with iron rods. The applicant and others assaulted him with fist and kicks blows. Thereafter, the informant ran away from the spot and lodged this FIR.

3. Heard, Mr. Nizami, learned counsel for the applicant as well as Ms. Kaushik, learned APP for the State.
4. Learned counsel for the applicant submitted that one Nizam, from Ishtiyak's group, was assaulted by the first informant's group and he had lodged his FIR vide CR No. I-655/19 at the same police station on the same day under Sections 307, 143, 147, 149 and 323 of the IPC. In that case, the said Nizam had stated that the informant in CR No. I-656/19 Gulam Kokani and others had assaulted Nizam and others. He, therefore, submitted that there is a case and counter case and both the parties have implicated each other. He submitted that the injuries suffered by the first informant are not serious and offence under section 307 is not made out. In any case, very

minor role is attributed to the applicant.

5. Learned APP opposed the application and submitted that because of the enmity between two groups said incidents are taking place and therefore, anticipatory bail should not be granted to the applicant.

6. I have considered all these aspects of the matter. I have perused the injury certificate in respect of the injuries suffered by the informant Mustafa Kokani. He had suffered three injuries. All these injuries are described as simple injuries. There are two CLWs on the head. They are small in dimension. There is one CLW on the lips. In any case, these injuries are not attributed to the present applicant as he is alleged to have only abused the informant's group in the earlier part of the incident.

7. In this view of the matter, custodial interrogation of the applicant is not necessary and he deserves the protection of anticipatory bail. Hence, the following order:-

ORDER

(I) In the event of his arrest in connection with C.R. No.I-656/19 registered at Bhadrakali Police Station, Nasik, the Applicant is

directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)