

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

ANTICIPATORY BAIL APPLICATION NO. 2527 OF 2019

Mujahhaddin Sirajuddin Kokani ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ammar. I. Nizami i/b Mr. Mohammad U. Kazi, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the state-respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 20th November, 2019

PC :

1. This is an application for anticipatory bail in connection with C.R.No.I-656 of 2019, registered with Bhadrakali Police Station, Nashik City, Nashik on 23rd July, 2019, for the offences punishable under Sections 307, 143, 147, 149 and 323 read with 34 of Indian Penal Code ("IPC", for short).

2. First Information Report ("FIR", for short) is lodged on 23rd July, 2019 by one Mustafa Gayasuddin Kokani. He has stated in the FIR that one Ishtiyah Kokani was maternal cousin of the informant. Ishtiyah 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 Ishtiyah was harassing the

informant's family. On 22nd July, 2019, the informant's mother had given complaint at Bhadrakali Police Station, Nashik, against Ishtiyaq and others. On 23rd July, 2019, the informant was telephonically told by his father that Ishtiyaq and others had gathered at the house of one Zuber and they were abusing the informant's family. Thereafter, the informant rushed there. It is alleged that Ishtiyaq, Ziauddin Kokani, Hussain Konkani, Nizam Kokani, Dastagir Kokani, Aabid Kokani and Ashfaq 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, and he fell on the ground. Other accused Dastagir, Nizam and Hussain assaulted him with iron pipe and others assaulted by fist and kick blows. The applicant and others assaulted him with fist and kick blows. Thereafter, the informant ran away from the spot and lodged this FIR.

3. Learned counsel for the Applicant submitted that there are cross cases. The cross FIR has been registered against the complainant in the present case vide C.R.No.I-655 of 2019 for the offence punishable under Section 307 of IPC and other offences. It is further submitted that the dispute had arisen on account of differences between two parties. The Applicant is not attributed any role causing any injury to the complainant or any

other person. He further submitted that the person who are attributed role of assaulting the injured persons in the present case were granted anticipatory bail by this Court. He relied upon order passed by this Court in Anticipatory Bail Application No.1951 of 2019 dated 4th September, 2019. He further submitted that the co-accused Jiyauddin Kokani and others were arrested and bail was granted by this Court, vide order dated 3rd September, 2019, passed in Bail Application No.2422 of 2019. It is also pointed out that the accused in cross case had also preferred an application for anticipatory bail before this Court, which was allowed vide order dated 29th August, 2019.

4. Learned APP submitted that the injured had sustained serious injuries. The investigation is in progress. Custodial interrogation of the Applicant is necessary.

5. On perusal of the documents, it is apparent that there are cross cases. First informant had attributed role of assault by iron pipe to the co-accused. Application of one of the co-accused Bilalahmed Konkani was allowed by this Court. He was attributed role of assaulting by iron pipe. The other accused is granted regular bail. Two persons in the cross case were also granted anticipatory bail by this Court.

6. In the circumstances, considering role attributed to applicant, case for grant of anticipatory bail is made out.

7. Hence, I pass the following order:

:: ORDER ::

- (i) In the event of arrest of the Applicant in connection with C.R.No. I-656 of 2019, registered with Bhadrakali Police Station, Nashik City, Nashik, he be released on bail on his furnishing PR Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)