

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

ANTICIPATORY BAIL APPLICATION NO.279 OF 2020

1) Zuber Mehboob Shaikh;

2) Ayaaz Mehboob Shaikh .. Applicants

Vs.

State of Maharashtra & Anr. .. Respondents

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Ms.Nagma Tandon, Advocate for the Applicants.

Mr.S.H. Yadav, APP for the Respondent – State.

Mr.Kokate Ashok N., PSI, Dehu Road Police Station, Pimpri-Chinchwad, Pune, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 03, 2020.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.1289 of 2019, registered with Dehu Road Police Station, Pimpri-Chinchwad, Pune, for the offences punishable under Sections 143, 147, 148, 149, 307, 427 and 506(2) of Indian Penal Code (“IPC”, for short) and Section 4 of Arms Act.

2 First Information Report (“FIR”, for short) was lodged on 18th December, 2019. Complainant Nilesh Waghmare has alleged that the accused were armed with weapons like sickle, bamboo and hockey sticks. They have assaulted the complainant. FIR, however, refers to the presence of the applicant amongst other accused. However, the role of assault has not been attributed to the applicants.

3 Learned counsel for the applicant submitted that the applicants have been falsely implicated in this case. FIR was lodged by original accused no.2 vide C.R.No.1288 of 2019 with the same police station for the offences punishable under Sections 326, 141, 143, 147, 148, 149, 427, 504 and 506(2) of IPC and under Section 135 of Bombay Police Act with Section 4(27) of Arms Act. The said FIR was lodged against eleven persons including the complainant in the present FIR. Eleven persons were arrested and they were produced before the concerned Court. They had applied for bail and by order dated 13th January, 2020, the said persons were granted bail.

4 Learned APP submit that the applicants were armed with weapons. He was amongst the other persons. Thus, he has

participated in the crime. Learned APP pointed out the injury certificate of the complainant. On perusal of the said certificate, it is evident that he had sustained one injury in the nature of CLW over frontal region. The case of the complainant is that several persons were armed with weapons were assaulted him. No role of assault is attributed to the applicants. The applicants are not the witness in the cross case. It is contended that the applicants were not even present at the scene of offence and on account of differences between two groups, applicants are falsely impleaded. As stated above, one injury is sustained by the complainant in the present case. Considering the role attributed to the applicants, they need not be subjected to custodial interrogation.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.279 of 2020, is allowed;
- (ii) In the event of arrest of Applicants in connection with C.R.No.1289 of 2019, registered with Dehu Road Police Station, Pimpri-Chinchwad, Pune, they be released on

bail on their executing P.R. Bond in the sum of Rs.25,000/-, each, with one or more sureties in the like amount;

- (iii) Applicants shall report the investigating officer on 10th to 12th February, 2020, between 11:00 a.m. to 01:00 p.m., and, thereafter, as and when called for, till the filing of the charge-sheet;
- (iv) Applicants shall not tamper with the evidence;
- (v) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)