

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

**ANTICIPATORY BAIL APPLICATION NO.920 OF 2020
[ABA-ST-6304/2020]**

1. Nasir Aslam Nahavi Shaikh,
2. Rahul Tufani Yadav, &
3. Krishna Ramdular Saroj Applicants
versus
State of Maharashtra Respondent

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Mr. Rohan Bansal a/w. Pankaj C. Jadhav, Advocate for Applicants.
Mr. Amit A. Palkar, APP for the State/Respondent.

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CORAM : SARANG V. KOTWAL, J.
DATE : 17th DECEMBER, 2020

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.114/2020 registered with Kandivali Police Station on 11/03/2020, under sections 452, 354, 323, 504, 506, 143, 147, 149, 307 of the Indian Penal Code and under section 37(1), 135 of Maharashtra Police Act.

2. The offence is lodged at the instance of the first informant Sujit Ramjit Yadav. He has stated that, on 11/03/2020, they were celebrating Dhulivandan. At that time,

there was some petty incident involving one Guruprasad Yadav @ Chintoo and one Virbahadur Gupta. The informant's family was unnecessarily involved in this incident. That time Anil @ Mantoo came there and he supported Virbahadur. Anil @ Mantoo was angry. He pushed informant's father. He then abused informant and others and threatened them. He called somebody by making a telephone call. Within a short time, many others like Sushil Yadav, Sunil Yadav @ Ghatu, Nilesh, Ramkeval Yadav, Shahrukh Shaikh, Rafiq Shaikh @ Rappa etc. came there. Present Applicants were present along with them. It is alleged that Sushil was having a knife and Sunil as well as Ramkeval were carrying rods. Nilesh Jaiswal was carrying a crowbar. One Bhavesh Chavda who was informant's neighbour; was given a blow with Bamboo by Anil @ Mantoo. Ravikant and Ramkeval beat him with kicks and fist blows. The informant and his family got scared and went inside their room and locked it. Anil and others raised shouts. Thereafter Anil, Sushil, Rafiq and Nilesh broke the door with a crowbar. They entered the room, misbehaved with informant's wife and one other lady in the

room. They outraged their modesty and then they left the place.

3. Heard Shri Rohan Bansal, learned counsel for the Applicants and Shri Amit A. Palkar, learned APP for the State.
4. Learned Counsel for the Applicants submitted that there is a cross case registered vide C.R. No.115/20, in which the first informant and others are shown as aggressors. He therefore submitted that the story mentioned against the Applicants is not true. He submitted that in any case, the Applicants were only the bystanders and had not participated in the incident. Through some mistake, they are mentioned as a part of the mob.
5. Learned APP produced medical certificates of the injured in this case. All the injuries are minor and simple. He also produced statements of eyewitnesses. All the statements namely those of Rahul, Laxmi, Anjana, Durga etc. narrated the incident in the same manner as is described in the FIR. Shri

Palkar opposed grant of relief in this application. Learned Counsel for the Applicants invited my attention to the order dated 6.11.2020 passed in ABA(St.) no.3355/2020 passed by this Court granting anticipatory bail to co-accused Satish Ramrathi Yadav.

6. I have considered all these submissions. The FIR and statements of other eyewitnesses show that the Applicants were not carrying any weapon. No role is attributed to them. Though their names are taken as the persons present in the mob, it is doubtful whether they actually were a part of the mob or were only bystanders. They have not entered the house of the informant and no further allegations are levelled against them in that incident. There is a cross case. Therefore it appears that neither of the parties is telling the complete truth. The injuries caused to the victims are minor. There are no allegations of outraging modesty against the present Applicants. In this background, custodial interrogation of the Applicants is not necessary. The principles of parity applies to the present

Applicants as well. Their role is exactly similar as that of Satish Yadav, who is granted anticipatory bail. Therefore, they also deserve the protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.114/2020 registered with Kandivali Police Station, Mumbai the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

Digitally
signed by
Pradeepkumar
P. Deshmane
Date:
2020.12.19
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(SARANG V. KOTWAL, J.)

Deshmane (PS)