

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

ANTICIPATORY BAIL APPLICATION NO. 2794 OF 2019

Saddam Mohoddin Mujawar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Kuldeep S. Patil, for the applicant.

Smt. Jyoti Lohokare, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 18th SEPTEMBER,2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 158 of 2019 registered at Umadi Police Station, Sangali, under sections 307, 326, 324, 504, 143, 147, 148, 149 of the Indian Penal Code.

2. Heard Mr. Kuldeep Patil, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The allegations in the FIR lodged by Bhagwant Gundu Shinde on 22/08/2019 are that, on the previous date i.e. on 21/08/2019, he was talking with his nephew Maruti. He heard some noise of quarrel. Both of them went to the spot. They saw that the informant's brother Baswant was being assaulted by six

persons including the present applicant and that he had become unconscious. When both of them reached there, even they were assaulted by weapons like sticks, iron rod etc. It is alleged that the applicant assaulted Maruti and Baswant with satur. On this basis, the FIR is lodged.

4. Learned Counsel for the applicant invited my attention to the interim order passed by this Court (Coram: Prakash D. Naik, J.) on 19/12/2019. The applicant was protected vide interim order by making observations about the existence of the cross case. The applicant was assaulted by the informant. He had suffered fracture on his elbow.

5. Learned APP produced injury certificate of the injured in this case before the Court.

6. I have considered these submissions. I have perused injury certificate as well as cross FIR lodged by Mirasaheb Mujawar from the applicant's side. In that FIR it is clearly mentioned that the informant in this case and his group had assaulted the applicant's group causing fracture of applicant's elbow. The injury certificate shows that Baswant Shinde had

suffered simple injury on knee joint. Maruti Shinde had suffered four simple injuries on head, forearm, knee and foot. Only the first informant had suffered one grievous injury on his shoulder. Besides that he had suffered a simple blunt injury. Thus, it appears that there was free fight between two groups. The applicant was on interim protection since December 2019. Hence, after all these years, in this background the applicant's custodial interrogation is not necessary. He can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.158 of 2019 registered with Umadi Police Station, District Sangali, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)