

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

ANTICIPATORY BAIL APPLICATION NO. 1156 OF 2021

1. Ashpak Najir Ahmad Belif.
2. Amina M. Rafik Hatture.
3. Umar Sharif Ibrahim Bagwan @ Umar Merchant. ... Applicants.

V/s.

State of Maharashtra. ... Respondent.

Mr. Ujwal R. Agandsurve, advocate for applicants.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV

DATE : MAY 3, 2021.

(Through Video Conferencing)

PC.

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973 for pre-arrest bail. The applicants herein are apprehending their arrest in Crime No. 64 of 2021 registered with Jail Road Police Station, Solapur on 13/2/2021 for offence punishable

under section 327, 324, 323, 504, 506, 143, 145, 147, 148 of the Indian Penal Code and under section 135 of Mumbai Police Act.

3 It is the case of the prosecution that on 12/2/2021 Bakhtiyar Ahmad Mahamood Khan Pathan lodged a report at the police station alleging therein that on 12/2/2021 at about 3.15 p.m. one Umar Merchant and others had asked the informant to vacate the premises. They abused and assaulted him and his family members with kick and fist blows. The accused No. 2 Umar Merchant forcibly took the golden ring and amount of Rs. 3,000/- from the pocket of the informant. The co-accused Mainu Hattur assaulted the informant on his head by means of stone. On the basis of the said statement, Crime No. 64 of 2021 was registered.

4 Learned Counsel for the applicants submits that a trifling incident has been blown out of proportion and hence, offences are registered. However, the parties have arrived at a settlement.

5 There are cross-complaints between both the parties and therefore, in Crime No. 63 of 2021 as well as Crime No. 64 of 2021, the accused have filed Writ Petitions seeking quashing of FIRs before

the Division Bench of this Court (Coram: S.S. Shinde & Manish Pitale, JJ) (W.P. No. 1691 of 2021 and W.P. No. 1677 of 2021) and the complainants in both the cases have filed an affidavit to the effect that the parties have settled the disputes.

6 In view of this, the present applicants deserves pre-arrest bail. Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No.64 of 2021 registered at Jail Road Police Station, Solapur, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each and one or more solvent sureties in the like amount.
- (iii) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)