

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

ANTICIPATORY BAIL APPLICATION NO.1274 OF 2021

Salim Fakir Mohammad Bagwan & Anr.	 Applicants
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1038 OF 2021**

Amjad Ajij Bagwan & Anr.	 Applicants
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1278 OF 2021**

Firoz Ajij Bagwan	 Applicants
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1321 OF 2021**

Salman Salim Bagwan & Anr.	 Applicants
versus	
State of Maharashtra	 Respondent

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- Mr.Rahul S. Kadam, Advocate for Applicants in ABA No.1274/21, 1278/21 & 1321/21.
- Mr.Rahul S. Kate, Advocate for Applicant in ABA No.1038/21.
- Smt. J.S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JUNE, 2021
(Through video conferencing)

P.C. :

1. All these applications are decided by this common order because they arise out of same investigation and same registered offence.
2. The Applicants are referred to by their names wherever necessary for the sake of convenience.
3. The Applicants are seeking anticipatory bail in connection with C.R.No.203/2021 registered with Baramati City Police Station, Pune, dated 20/03/2021 under sections 307, 324, 323, 504, 506, 143, 147, 148, 149, 188, 269, 270 of the Indian Penal Code, under section 135 of Maharashtra Police Act and under sections 2, 3 and 4 Epidemic Diseases Act.
4. The FIR is lodged by one Tainur Shafir Shaikh. He has stated he was publishing a weekly newspaper namely 'Lakir'. One Kaish Samsuddin Shaikh was helping him. He had

published one article about some misappropriation in a Madarsa at Takaar colony. The present Applicants were angry with the informant because of this article. The FIR is about occurrence on 19/03/2021 after 08.00 p.m. The FIR mentions that the incident had taken place in two parts. In first part, the Applicant and Kaish were waiting for one Altaf to sort out their differences. At that time Sohaib, Salman, Pappya, Shahid, Mustakin and Nihal pelted stones on the informant and Kaish. Altaf was having a sword and he was instigating others. Arbaz tried to give blow with sword on the informant. The informant evaded it, but had some injury near his left eye. A police jeep approached the informant. The police told the informant to go to police station. The informant, Kaish and one Shahnoor were walking towards police station. At that time, all these Applicants came towards him carrying sticks and stones. They assaulted the informant and his companion. The police tried to stop them, but Sohaib pelted stone on his left leg. Shahnoor ran away from the spot. The police rescued the informant and Kaish and brought them to police station. On this basis, FIR is registered.

5. Learned counsel for the Applicant submitted that the incident was highly improbable. They submitted that custodial interrogation of the Applicant is not necessary. They are implicated because of the previous enmity.
6. Learned APP opposed this application and submitted that the Applicants had shown no fear of police. She produced the injury certificates.
7. I have considered these submissions and in particular I have seen the injury certificates. The injuries suffered by the injured are as follows ;

Tainur (informant) -

- (i) One contusion - left leg 5 x 2 cms.
- (ii) Abrasion – right of eye 0.5 x 0.5 cms.

Kaish -

- (i) Abrasion – Right elbow 1 x 1 cm.
- (ii) Abrasion – Right ring finger 0.5 x 0.5 cm.

8. All these injuries are described as simple injuries. As can be seen, the injuries are absolutely minor. Injury near eye of the informant is attributed to one Arbaz. In any case, considering the nature of the injuries, which are absolutely minor, it is difficult to observe that section 307 of IPC is made out. In this view of the matter, custodial interrogation of the Applicants is not necessary. They can be protected by order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.203/2021 registered with Baramati City Police Station, Pune, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)