

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1795 of 2021

Arbaz Altaf Bagwan

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr. Rahul S. Kadam for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 5th AUGUST, 2021

P.C:-

1 Learned counsel for the applicant, at the outset, state that out of 26 accused persons who are charge-sheeted in the C.R. in which he is arraigned as an accused, except the present applicant, all other applicants have been released either on regular bail or Anticipatory Bail. Learned counsel has placed on record the order passed by this Court in case of co-accused. Accused Salim Fakir Mohammad Bagwan & Anr were released on bail in anticipation of their arrest by order dated 14th June 2021 in ABA No. 1274 of 2021 and connected three applications.

2 The informant is the injured, by name Tainur Shafir Shaikh. He published an article about misappropriation in a

Tilak

Madarasa and the present applicants are alleged to have been irked about it. In the backdrop of the same, the incident dated 19th March 2021 is alleged to have taken place.

The FIR can be dissected into two parts, the first part being there was an attempt to sort out the difference and at that time, some of the accused persons pelted stones on the informant and one Kaish. It is alleged that Altaf was having a sword and he was instigating others, whereas Arbaz i.e. the present applicant is given a role of giving a blow to the informant with sword and since he evaded, the blow landed on his face causing injury near his left eye. Thereafter, a police jeep arrived at the spot and the complainant was taken to the police station. The second incident is alleged to have taken place when the two injured persons with one Shahnoor were walking towards police station, it is alleged that all the applicants arrived there with sticks and pelted stones.

3 While releasing the co-accused on bail, on 14th June 2021, note was taken of the injuries suffered by the informant and one Kaish to the following effect :-

“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 complainant

4 Taking into account that the said injuries are Simple Injuries and the injury to Tainur to his right eye which is in form of abrasion is attributed to the applicant, I see no reason why the applicant is not entitled for protection of the order dated 14th June 2021. The offence invoked is Section 307, which *prima facie* has not been made out in the charge-sheet, by reference to the injuries sustained by the informant and another injured Kaish. Since the investigation is complete and charge-sheet is filed, the applicant is entitled for protection in the event of his arrest. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant - Arbaz Altaf Bagwan in connection with FIR No.203 of 2021 registered with Baramati Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

- (c) The Applicant shall report to the concerned police station once in every two months and mark his attendance.
- (d) The applicant shall submit his present residential address and contact number to the Investigating Officer.

The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J