

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

ANTICIPATORY BAIL APPLICATION NO. 2285 OF 2021

Akil Dada Mulani	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. V.S. Talkute for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 27th SEPTEMBER, 2021.

P. C. :-

1. The Applicant is seeking Anticipatory Bail in connection with C.R. No.426/2021 dated 27/04/2021 registered with Sangola Police Station, Dist. Solapur for offences punishable under Sections 307, 323, 504 and 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. V.S. Talkute, learned counsel for the Applicant and Ms. Veera Shinde, learned APP for the State.

3. The First Information Report (for short 'FIR') is lodged on 27/04/2021 by the first informant – Akhtar Kabir Mulani. He has stated that on 26/04/2021, at about 05:00 p.m., he was returning home on his motor cycle. The Applicant stopped him and demanded Rs.20,000/- which the informant had taken. The informant paid

Rs.20,000/- which he was carrying. It is alleged that the Applicant demanded Rs.10,000/- more and started beating the informant. The Applicant called his other associates. After some time, when Shakil Mulani came there, it is alleged that the Applicant held him and Shakil assaulted the first informant on his head with *sattur*. There was another accused - Imran Shaikh who also arrived at the incident and assaulted the first informant with a stick. Based on these allegations, the FIR is lodged.

4. There is a cross FIR in respect of the same incident which is registered with the same Sangola Police Station, Solapur vide C.R. No.430/2021 dated 28/04/2021 mainly under sections 143, 147, 148, 149, 323, 325, 326, 504, 506, of the Indian Penal Code. The FIR is lodged by the Applicant himself against aforementioned Akhtar Mulani. He has narrated the incident in that regard, from his point of view. Learned counsel submitted that the Applicant is falsely implicated as is reflected from the FIR given by the Applicant.

5. The learned APP produced investigating papers before me in both these offences. The injury certificate of Akhtar Mulani mentions that he had suffered two injuries. The 1st one was 5x2x1 cm of bleeding

wound over *frontal area of scalp*. There was *cerebral edema* on the head and the injury was described as grievous injury. 2nd injury was a simple injury on left leg. The Applicant himself had suffered two injuries. 1st injury was fracture on the *upper end of left tibia* which was described as grievous injury. The other injury was *human bite mark on the right upper third arm* which is described as grievous injury. Both these certificates of the injured as well as the Applicant were issued by Disha Hospital, Solapur.

6. Considering the injuries suffered by the informant as well as the Applicant in this case, it appears that both of them has suffered grievous injuries. Therefore, at this stage, it appears that both of them are not telling the complete truth. However, there is strong possibility that the Applicant may have acted in self defence or that it was a free fight between two of them. Both of them were assaulted with deadly weapons. Thus, there is some substance in the submissions of learned counsel for the Applicant. In this view of the matter, custodial interrogation of the Applicant is not necessary. Hence, the following order :-

ORDER

(a) In the event of his arrest in connection with C.R.

No.426/2021 registered with Sangola Police Station, Dist. Solapur, the Applicant is directed to be released on bail on furnishing P. R. bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

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(SARANG V. KOTWAL, J.)