

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

ANTICIPATORY BAIL APPLICATION NO.2300 OF 2021

Nayum @ Naem Mahamud Kureshi	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Shadab Khopekar a/w. Mr. Tahir Qureshi 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.770/2020 dated 18/08/2021 registered with Mohol Police Station, Solapur for offences punishable under sections 143, 147, 148, 149, 307, 327, 427, 504, 506 r/w. 34 of the Indian Penal Code and under section 4 & 25 of Arms Act.

2. Heard Mr. Shadab Khopekar, learned counsel for the Applicant and Ms. Veera Shinde, learned APP for the State.

3. The First Information Report (for short 'FIR') is lodged by one Jahir Iqbal Kharadi against 11 accused including the present Applicant.

He has stated that he has a business of small pan shop in his area. There was a quarrel between Saddam Kureshi and Nazim Kureshi on one hand and Shadab and Manzur Kureshi on the other hand. The first informant was friend of Sadam and Nazir Kureshi. Therefore, other group had told the informant not to be with Sadam and Nazir Kureshi. On that ground, the incident in question took place on 17/08/2021 at about 08:30 p.m. when the Applicant and the other co-accused formed an unlawful assembly armed with sword, sattur, knife, iron-rod and stumps and straight away mounted assault on the first informant. He suffered injuries on his body. Thereafter, the accused went away. The informant was taken to rural hospital and then the informant was shifted to a private hospital. On this basis, the FIR is lodged.

4. Mr. Shadab Khopekar, learned counsel for the Applicant submitted that the incident is not true and because of previous enmity, the Applicant is falsely implicated along with others. He submitted that if the accused was carrying deadly weapons, the first informant would have suffered grievous injuries but he had not suffered any serious injury.

5. Learned APP produced the investigating papers before me which

contain the medical certificate. The medical certificate dated 24/09/2021 issued by Solapur Hospital mentions 05 abrasions and 02 contusions. They were on forearm, eyebrow, back, forehead, chest and left toe of the informant. There is one more certificate dated 30/08/2021 issued by Central Multispeciality Hospital. It is mentioned in that certificate that the informant had many abrasions on chest, hand and back. He also suffered simple injury on right eyebrow. It appears that the informant has not suffered grievous injuries.

6. I have also perused the statements of the witnesses namely, Somnath Pawar, Iqbal, Riyaz and others. Riyaz has not named the present Applicant. He says that there were five to six others along with the main accused. Iqbal has named the Applicant and has stated that he was having an iron rod. Somnath Pawar also attributed iron rod against the Applicant. Therefore, at this stage, there are statements of informant and two witnesses supporting the case. However, considering the nature of injuries, the Applicant's custodial interrogation is not necessary. The accused were carrying deadly weapons. They were large in number and yet only simple injuries are caused to the first informant. This indicates that their intention may not be to commit an offence under Section 307 of the Indian Penal

Code. This aspect will have to be decided in the trial. At this stage, the Applicant can be protected by an order of Anticipatory Bail. To keep check on his activities, he can be directed to report to the concerned police station. Hence, the following order :-

ORDER

(a) In the event of his arrest in connection with C.R.No.770/2020 dated 18/08/2021 registered with Mohol Police Station, Solapur, the Applicant is directed to be released on bail on furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(b) The Applicant shall report to the Mohol Police Station, Solapur once in a fortnight for a period of one year from today and shall co-operate with the investigation.

(c) The Application stands disposed of accordingly.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2021.09.28
17:16:05 +0530

(SARANG V. KOTWAL, J.)