

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

ANTICIPATORY BAIL APPLICATION NO. 2320 OF 2021

1. Mr. Shahadab Rafik Kureshi
2. Mr. Taufik Abutalib Kureshi
3. Mr. Nur Nifas Kureshi
4. Mr. Ajim Gous Kureshi
..... Applicants
versus
The State of Maharashtra
..... Respondent

Mr. Shadab B. Khopekar a/w. Mr. Tahir Qureshi for the Applicants.
Mr. Y. M. Nakhwa, APP for the State.

**CORAM: SARANG V. KOTWAL, J.
DATED : 29th SEPTEMBER, 2021.**

P. C. :-

1. The Applicants are seeking Anticipatory Bail in connection with C.R.No.770 of 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 Mr. Nakhwa, 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 Applicants. 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 Applicants 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. Learned counsel for the applicants states that the co-accused who is similarly placed is granted anticipatory bail vide order dated 27/09/2021. Therefore, on the ground of parity the present applicants also deserve same treatment.

5. Learned APP could not really dispute that there was ground of parity available to these applicants.

6. I have considered these submissions. I have perused the order dated 27/09/2021 passed in A.B.A.No.2300 of 2021. It is a reasoned order, in which, statements of the eye witnesses Somnath Pawar, Iqbal, Riyaz and others were considered. The injuries suffered were also considered and it was observed that the accused were large in numbers and yet only simple injuries were caused to the first informant. It was observed that, there was possibility that the offence would not fall under section 307 of the IPC. All these observations are applicable for the present applicants, as well. Therefore, the applicants deserve the same relief.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.770 of 2020 dated 18/08/2021 registered with Mohol Police Station, Solapur, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each

Only) with one or two sureties each in the like amount.

- (ii) The Applicants shall attend the concerned Police Station once in every week for the period of one year from today and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)