

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

ANTICIPATORY BAIL APPLICATION NO. 938 OF 2022

Abrar Shakil Mahammad

@ Ahamad Shaikh

V/s.

The State of Maharashtra

..Applicant

..Respondent

Ms. Vilasini Balsubramanian i/b. Mr. Jaydeep D. Mane for the Applicant.

Mrs. M. R. Tidke , APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 11 APRIL 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 81 of 2022 registered with Jail Road Police Station, District Solapur, under Section 143, 147, 149, 323, 327, 384, 504 and 506 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 16 February 2022 lodged by Mohammad Rafiq Mohammad Isaq Nadaf.

3. I have heard the learned counsel for the parties. Perused record.

4. The incident in question had happened on 11 February 2022 at about 10:00 a.m. in the market yard at Solapur. The learned counsel for the Applicant pointed out that on the basis of the complaint lodged by Applicant, Crime No. 75 of 2022 is registered against the informant and others. It is submitted that thus, this is a case of cross FIRs and in the incident, the Applicant had also suffered injuries to his eardrum. The learned counsel has pointed out the certificate issued by Sana Hospital dated 4 March 2022 showing that the Applicant had suffered left tympanic membrane rupture and may require surgery in the form of Tympanoplasty. He also pointed out that the co-accused Sikandar Sayyad and Jahangir Sayyad who are similarly situated, have been granted anticipatory bail by the learned Sessions Judge by order dated 11 March 2022 in Bail Petition No. 317 of 2022.

5. This Application was adjourned in order to enable the learned APP to go through the orders and to examine the ground of parity. The learned APP in all fairness states that role attributed to the Applicant is by and larger similar to the co-accused Sikandar and Jahangir Sayyad.

6. Considering the overall circumstances and also having regard to the fact that the Applicant had suffered a injury to his eardrum and which requires medical intervention, the following order is passed.

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 81 of 2022 registered with Jail Road Police Station, District Solapur, the Applicant **Abrar Shakil Mahammad @ Ahamad Shaikh**, be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer on 25 and 26 April, 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)