

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

ANTICIPATORY BAIL APPLICATION NO. 2059 OF 2022

Ajmal Rafiahamad Patel ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2064 OF 2022

Zahoor Rafiahamad Patel ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2065 OF 2022

Rafiahamad Rasul Patel ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2060 OF 2022

Dr. Almas Rafique Ahamad Patel

(Nee Almas Wasim Mulla) ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Niranjan Mundargi a/w Mr. Suryajeet P. Chavan a/w Mr. Veerdhawal Deshmukh a/w Mr. Sarthak Shetty a/w Ms Keval Mehta i/b One Legal Bay LLP for the Applicants.

Mr. V.B. Konde-Deshmukh, APP for the State.

.....

CORAM : N.R. BORKAR, J.

DATED : 22 NOVEMBER 2022

P.C. :-

As these applications filed under Section 438 of Code of Criminal Procedure for anticipatory bail are arising out of one and the same crime, they are being disposed of by this common order.

2. The applicants are apprehending their arrest in Crime No. 506 of 2022 registered at Shahapuri police station for the offence under Section 324, 116, 323, 504, 506, 120-B of Indian Penal Code and Section 4 read with 25 of Arms Act.

3. I have heard the learned counsel for the applicants and the learned APP for respondent/State, so also perused the FIR.

4. According to the complainant, Dr. Almas Rafique Ahamad Patel, who is the applicant in Anticipatory Bail Application No. 2060 of 2022, was his first wife. According to the complainant, on 31 March 2022 at the instance of his first wife and her relatives, the co-accused in the present crime viz., Wasim Sheikh and Shrikant Patil assaulted him by iron rod.

5. Admittedly, no report was lodged on 31 March 2022 and it was lodged on 21 June 2022 approximately after three months. According to the complainant, he was assaulted by unknown persons and later on he came to know that he was assaulted by co-accused Wasim Sheikh

and Shrikant Patil at the instance of his first wife and her relatives. Even if it was assault by unknown persons, there is no explanation as to why the report was not lodged on the same day. The complainant has also not disclosed the date on which he came to know the fact that he was assaulted at the instance of his first wife and her relatives. Nothing is to be recovered at the instance of present applicants and therefore their custodial interrogation is not necessary. I am therefore inclined to release the applicants on anticipatory bail. Hence, following order is passed:

ORDER

- (i) All Applications are allowed.
- (ii) In the event of arrest of applicants in Crime No. 506 of 2022 registered at Shahapuri police station for the offence under Section 324, 116, 323, 504, 506, 120-B of Indian Penal Code and Section 4 read with 25 of Arms Act, they shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties.
- (iii) The applicants shall attend the concerned police station as and when called.

(N.R. BORKAR, J.)