

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.841 OF 2022

Sameer Abdulrafik Shaikh

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Prashant Patil, for the Applicant

Ms. M.R. Tidke, APP, for the State.

Mr. B.K. Gawli, PSI, Bhadrakali police station, Nashik present.

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Date: 2022.06.23
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CORAM : N. J. JAMADAR, J.

DATE : JUNE 22, 2022

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred for pre-arrest bail in connection with C.R. No.59 of 2022 registered with Bhadrakali police station for the offences punishable under sections 307, 143, 147, 148, 149, 504 and 506 of Indian Penal Code, 1860.
3. Mrs. Bismillah Gayasuddin (the first informant) lodged report on 7th March, 2022 with the allegations that on 6th March, 2022 at about 8.30 pm the applicant alongwith his associates had come near her stall and inquired about her son, Badshah. As the first informant replied that she was unaware as to where Badshah was, the applicant threatened her to direct her son to work for him only, in the ensuing municipal election. The applicant allegedly took away a sum of Rs. 1,200/- from the cash counter of the stall. After assaulting and pushing the first informant aside, the applicant and

his associates entered into the house of first informant's elder son Firoz. They abused and assaulted the inhabitants therein.

4. The learned counsel for the applicant submitted that aforesaid first information report was lodged as a counter-blast to the first information report which was lodged by the applicant against the son of the first informant and his associates for having formed an unlawful assembly, and committed offences of rioting by means of deadly weapon, and attempt to commit murder in prosecution of the common object of the said assembly. In fact, the applicant was hospitalized at the time of the alleged occurrence, reported by the first informant.

5. By an order dated 30th March, 2022 this Court was persuaded to grant interim protection to the applicant.

6. I have perused the first information report bearing C.R. No. 58 of 2022 lodged by the applicant and first information report bearing C.R. No. 59 of 2022 lodged by the first informant. Evidently, the first information report of the applicant was first in point of time. In the said report, the applicant has alleged that on 5th March, 2022 at about 7.20 pm on the pretext of holding a meeting, over the ensuing election, he was called by the son of the first informant, Badshah. He was assaulted by Badshah and his associates by means of deadly weapons.

7. Prima facie, it appears that the submission on behalf of the applicant that the instant first information report was lodged by way of a counter-blast appears to carry some substance. The learned APP submitted that a number of offences have been registered against the applicant. The said fact, in the totality of the circumstances, does not assume decisive significance. From the bare perusal of the allegations in the first information report, lodged by the applicant for serious offences, at a prior point of time, a prima facie case for grant of pre arrest bail is made out. Hence, the following order.

ORDER

- 1] The application stands allowed.
- 2] In the event of arrest in C.R. No.59 of 2022 registered with Bhadrakali police station for the offences punishable under sections 307, 143, 147, 148, 149, 504 and 506 of Indian Penal Code, 1860 the applicant be released on bail on furnishing a P.R Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- 3] The applicant shall attend the Bhadrakali police station on every alternate Sunday in between 10 am to 1 pm for a period of two months.
- 4] The applicant shall not tamper the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- 5] The applicant shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)