

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

ANTICIPATORY BAIL APPLICATION NO.1946 OF 2022

Riyaz Sayyad Mulla ..Applicant
Versus
State of Maharashtra ..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.1251 OF 2022**

Nasima Sayyad Mulla & Anr. ..Applicants
Versus
State of Maharashtra ..Respondent

Mr. Ashok B. Tajane i/by Kavita Shinde, for the Applicant in Both Applications.

Ms. Geeta P. Mulekar, APP for the Respondent/State.

Mr. Munir Abbas Inamdar, PSI, Wanavadi Police Station, Pune City – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 19th SEPTEMBER, 2022

PC.

1. All the three applicants are seeking pre-arrest bail in Crime No.127 of 2022 registered with Wanawadi Police Station, Pune for the offence punishable under Sections 326, 323, 143, 147, 149, 504, 506 of IPC.

2. Case of the prosecution is, all the applicants with common object assaulted the victim who has suffered fracture to his shoulder.

3. The co-accused/Nawaz Sayyed Mulla is already ordered to be released by the Sessions Court, Pune vide order dated 4th June, 2022,

as it was noticed that the said accused was not present on the spot of the incident. As such, intention of the complainant to involve the said accused in the false offence was inferred in the said matter.

4. Similarly, in the case in hand, as far as the Naseema and Rafiya are concerned, there is hardly any material which warrants custodial interrogation. Though specific allegation is made against Riyaz of use of iron rod, aforesaid allegations *prima-facie* speak of the intention of the complainant to involve accused in false offence.

5. As such, both these applications are allowed.

6. In the event of arrest, applicants are directed to be released on bail on furnishing PR bond of Rs.15,000/- each with one or more sureties in the like amount.

7. Applicants shall neither influence the witnesses in any manner nor tamper with the evidence.

8. Applicants shall attend the Investigating Officer as and when directed.

9. Learned APP on instructions from the Investigating Officer informs that the investigation in the matter is complete and charge-sheet is ready.

[NITIN W. SAMBRE, J.]