

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 2399 OF 2021

Ahmed Mohammad Puriyal	..Applicant
Vs.	
The State of Maharashtra & Anr.	..Respondents

Mr. Vikas B. Shivarkar, for the Applicant.
Mr. R. M. Pethe, APP for the Respondent / State.
Ms. Sejal A. Hariyan, for the Intervener.

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**CORAM : C.V. BHADANG, J.
DATE : 25 FEBRUARY 2022**

P.C.

. The Applicant, apprehending arrest, in connection with investigation of Crime No.261/2021 of Police Station Chandan Nagar, Pune City, under Section 307, 323 and 504 r/w. 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Ramesh Agrahari who is a scrap dealer. The incident is alleged to have happened on 6 September 2021 at about 11.00 a.m. when the Applicant alongwith his associate Zakir Tamboli went to

the shop of the informant and accosted him as to why the informant had called his (Applicant's) labourers for taking lunch. Saying this, the Applicant is alleged to have assaulted the informant on the head by an iron rod while the informant was caught hold by co-accused Zakir Tamboli.

3. It appears that there is a cross complaint filed by the Applicant against the informant.

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

5. The learned counsel for the Applicant submitted that the Applicant has also suffered injuries in the incident and there was no assault by the Applicant on the head of the informant as alleged. The learned counsel submitted that the incident had happened out of some business rivalry. The parties have settled the dispute and propose to file a petition for quashing. It is submitted that the affidavit is filed by the Complainant before the Sessions Judge as well as this Court that he has no grievance in the matter.

6. Learned APP has pointed out that the injury certificate of the informant shows a grievous injury on the left parieto region by a sharp weapon. However, it is not disputed that there is a cross

complaint at the instance of the Applicant and that matter is also under investigation. This Application was adjourned in order to enable the Applicant to produce the injury certificate of the Applicant in the cross complaint. However, it is submitted that today the Investigating Officer is not present. Although, it is not for this Court entertaining the Application for anticipatory bail to examine whether the matter as such can be settled and compromised/compounded, *prima facie*, it appears that there are cross complaints arising out of the same incident and the Applicant was also injured in the incident. Indisputedly, the iron rod which is subject matter of the crime has been recovered and seized by the Investigating Officer. The interim protection was operating in favour of the Applicant since 29 October 2021.

7. In the result, the following order is passed.

ORDER

(i) In the event of his arrest, in connection with investigation of Crime No.261/2021 of Police Station Chandan Nagar, Pune City, the Applicant Ahmed Mohammad Puriyal, be released on bail on executing a P.R. 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 3/3/2022 and 4/3/2022 between 11.00

a.m. to 1.00 p.m. and as and when required and shall cooperate with the Investigating Agency.

(iii) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.