

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2785 OF 2022

Shabir Sharif Qureshi And Anr. ...Applicants
Versus
State Of Maharashtra ...Respondent

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Mr. Niranjan Mundargi i/b Ms. Keral Mehta, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

Mr. Dattatray Jadhav, Police, Alibag Police Station, Raigad present.

CORAM : PRAKASH D. NAIK, J.
DATE : 10th October, 2022.

PER COURT:

1. This is an application for anticipatory bail in C.R. No.I-232 of 2022 registered with Alibaug Police Station, Raigad for offences punishable under Section 307, 325, 341, 323, 504, 143, 147, 148 and 149 Indian Penal Code.

2. The case of the prosecution is that, accused No.3 had obtained loan of Rs. 70,547/- from Shriram City Union Finance Limited on 26th February, 2020 for purchase of two wheeler and the said loan was re-paid by him in thirty six monthly installments. He re-paid ten installment till January, 2022. Thereafter, he did not pay the loan installments. The employees of the company requested him to re-pay the loan installment. Notices were given to him. The complainant is

working as a recovery manager. He visited house of Altaf Qureshi on 7th September, 2022 along with other employees. The complainant No.2 was standing along with accused Altaf Qureshi in the Court yard of the house. The applicant No.2 abused them and lifted him in the court yard. In view of applicant No.2 that is applicant No.1 came their and assaulted the associate of complaint to give blow of stick on his back. The applicant No.2 gave blow of bat on the face of Sameer Patil when the other colleagues of complainants are trying to intervene, applicant No.2 gave blow of bat on his left hand. The injured was taken to hospital. The applicant No.2 Razzak Qureshi has assaulted with the bat, the injured suffered two grievous injuries.

3. Learned counsel for the applicants submits that, custodial interrogation of the applicant is not necessary. The incident had occurred in heat and passion. There was no intention to cause offence under Section 307 of Indian Penal Code. The said offence is not made out in this case.

4. Learned APP submitted that, overt act has been attributed to both the applicants there are criminal antecedents against both the applicants.

5. In the light of the factual matrix of this case, the applicant No.2 is

not entitled for anticipatory bail. Learned counsel for the applicant No.2 on instructions submits that, the application of said applicant may be allowed to be withdraw. However, considering the overt act attributed to applicant No.1 relief under Section 438 of Code of Criminal Procedure can be granted.

ORDER

- (i) The application of Applicant No.2 Razzak Qureshi is allowed to be withdrawn and stand disposed off.
- (ii) The application of applicant No.1 Shabbir Qureshi is allowed.
- (iii) In the event of arrest of applicant No.1 in C.R. No.232 of 2022 registered with Alibaug Police Station, Raigad. The applicant No.1 may be released on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.
- (iii) The applicant No.1 shall appear before the Investigating Officer 17th, 18th and 19th October, 2022 between 11.00 am to 1.00 pm. and thereafter as and when called for.
- (iv) Application is disposed off.

(PRAKASH D. NAIK, J.)