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

ANTICIPATORY BAIL APPLICATION NO.3115 OF 2022

Abdul Imran Rauf Shaikh ..Applicant
vs.
State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION ST. NO. 20326 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.3115 OF 2022**

Wahid Abdul Qadar Shaikh .. Applicant
Vs.
State of Maharashtra and anr. .. Respondents

**ALONGWITH
ANTICIPATORY BAIL APPLICATION NO.2990 OF 2022**

Abdul Rafiq Abdul Rauf Shaikh ..Applicant
vs.
State of Maharashtra ..Respondent

**WITH
INTERIM APPLICATION ST. NO. 20327 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.2990 OF 2022**

Wahid Abdul Qadar Shaikh .. Applicant
Vs.
State of Maharashtra .. Respondent

Mr. Mohsin Shaikh, for applicants.
Ms. Angela Singha a/w Ms. Anjali Mishra i/b Mr. Pradeep Shetty, for Intervener.
Ms. P.N.Dabholkar, APP for respondent-State.
PI-Mr. Borhade, D.N. Nagar Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 29, 2022

P.C. :

- 1.** Heard learned counsel for the applicants.
- 2.** These are the applications for pre-arrest bail in respect of F.I.R. No.0920 dated 27/09/2022 registered with D.N. Nagar Police Station for the offence punishable under sections 354, 509, 323, 504 read with section 34 and under sections 307, 323, 504, 506, 34 of the Indian Penal Code, 1860 and under sections 37(1)(c), 135 of the Bombay Police Act and section 25 of the Arms Act, 1959.
- 3.** It is alleged in the FIR dated 27/09/2022 filed by the informant -Sameer Abdul Kadar Shaikh that 4 accused at around 12.30 a.m had fight pursuant to which one of the accused Abid brought a sword from his house. Abid's brother - Wahid Shaikh abused the informant Sameer and gave a blow with sword on the head of the Sameer. It is alleged that the present applicants (accused nos. 3 and 4) were also present. Learned APP informs that Shahid Shaikh has been arrested. Learned counsel for the applicants

pointed out that prior to 07/09/2022, an offence has been registered against the present informant under sections 315, 409, 427, 34 of IPC. The parties are making complaints against each other. There are cases filed by the parties though not in respect of the incident which happened on the same date.

4. I have heard learned counsel for the intervener. She has vehemently opposed the grant of applications. She submitted that there is serious injury inflicted on Wahid Shaikh. The injury is on the vital part of the body. I have gone through the medical certificate. The injury inflicted is simple in nature. The same is attributed to Shahid- accused no. 1. No specific role has been assigned to these applicants except that they were present at the time of the incident.

5. Learned APP submits that the pursuant to the order passed by this Court, the applicants have co-operated with the Investigating Officer. No criminal antecedents are reported. There is no likelihood of the applicants absconding. Hence, interim order dated 21/10/2022 deserves to be confirmed and the same is confirmed.

Hence, the following order.

ORDER

(a) In the event of arrest of the applicants in connection with C.R. No. 920/2022 registered with D.N. Nagar Police Station, the applicants – Abdul Rafiq Abdul Rauf Shaikh and Abdul Imran Rauf Shaikh be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(b) The applicants shall report to the Investigating Officer on 02/12/2022 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for.

(c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

6. The applications are disposed of. Interim applications also stand disposed of.

(M. S. KARNIK, J.)