

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

ANTICIPATORY BAIL APPLICATION NO.1069 OF 2023

Hasan Rahim Bagwan ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
BAIL APPLICATION NO.1065 OF 2023**

Shakur @ Papa Rahim Bagwan ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Mr. H.S. Shinde for the Applicants.

Mr. R.M. Pethe, APP for Respondent -State.

Mr. Prabhakar Suresh Gaikwad, Pangari Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th APRIL, 2023.

P. C. :-

1. Bail Application No.1065 of 2023 was not on board. Upon being mentioned, taken on board.

2. The Applicant in Anticipatory Bail Application No.1069 of 2023 apprehends arrest in C.R. No.45 of 2023 registered with Pangri Police Station, whereas Bail Application No.1065 of 2023 has been filed by the Applicant in view of his arrest in C.R. No.45 of 2023 for the

offences punishable under Sections 143, 147, 323, 324, 328, 504, 505 and 506 r/w 149 of the IPC.

3. The aforesaid crime was registered pursuant to the FIR lodged by Nawaz Salim Mulani. The facts narrated in the FIR prima facie reveal that on 07/03/2023 the Applicants and others formed an unlawful assembly and assaulted him by bricks. The Applicant-Shakur Papa Bagwan threw some poisonous substance on his face. It is further stated that the Applicant -Hasan Bagwan also assaulted him by an iron rod. It is stated that the Applicant-Shakur also assaulted family members of the Complainant when they tried to intervene and prevent the Applicant from assaulting him.

4. The records prima facie indicate that the injuries sustained by the Complainant are simple in nature. The FIR indicates that the Applicant-Shakur had thrown some poisonous substance on the face of the Complainant. The FIR and the other material on record do not prima facie indicate that the Applicant-Shakur had administered poison or he had caused to administer poison or any intoxicating or stupefying substance to the Complainant. Hence, prima facie essential ingredients of offence under Section 328 of the IPC are not made out.

The other principal offences are bailable in nature.

5. Considering the above facts and circumstances, the Applicants are entitled for bail. Hence, the Anticipatory Bail application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Anticipatory Bail Application No.1069 of 2023 (C.R. No.45 of 2023 registered with Pangari Police Station, Solapur (Rural)), the Applicant is ordered to be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for two days from 20/04/2023 between 10.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Investigating Officer

informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. Bail Application No.1065 of 2023 is allowed on the following terms and conditions:-

- (i) The Applicant in Bail Application No.1065 of 2023 (C.R. No.45 of 2023 registered with Pangari Police Station, Solapur (Rural)) is ordered to be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount
- (ii) The Applicant shall report to the concerned police station as and when required by the Investigating Officer.
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

7. The applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)