

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1387 OF 2023**

1. Samiya Kashim Pathan	
2. Anjum Balu Shaikh	
3. Suraiyya Hidayattulla Shaikh	
4. Ajmat Musa Mujawar	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Vikrant Phatate for the Applicant.
Mr. S.V. Gavand, APP for the State.
Mr. R.G. Dhobale, Pandharpur Rural Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 05th JUNE, 2023.

P. C. :-

1. Learned APP states that the Applicant No.1 – Samiya Kashim Pathan whose name is reflected in the Remand Report dated 28/02/2023 is not arrayed as an accused in the present crime. In the light of said statement, learned counsel for the Applicants seeks leave to withdraw the Application on behalf of the Applicant No.1. Leave is granted. Application is dismissed as withdrawn as against Applicant No.1.

2. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicants apprehending their arrest in C.R.No.50/2023 registered with Pandharpur Rural Police Station, Solapur Rural for

offences punishable under sections 143, 147, 324 r/w. 149 of the Indian Penal code.

3. The aforesaid crime was registered pursuant to the FIR lodged by Sardar Gulab Shaikh. A perusal of the FIR prima facie reveals that on 13/02/2023, the Applicants and some others formed an unlawful assembly and assaulted the first informant and others by means of kicks, blows and sticks. The records reveal that Azroddin Sardar Shaikh has suffered a fracture of left ulna and 5th metacarpal of right hand. There are no grievous injuries on vital parts of the body. The injuries sustained by Salima are simple in nature. The records further indicate that Tabassum was allegedly assaulted by Applicant No.2 – Anjum Balu Shaikh and one Sania by means of kicks, blows and sticks. No injury was inflicted on vital parts of this witness.

4. Considering the above facts and circumstances, no case is made out for custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant No. 2 - Anjum Balu Shaikh, Applicant No.3 - Suraiyya Hidayattulla Shaikh and Applicant No.4 - Ajmat Musa Mujawar in C.R.No.50/2023

registered with Pandharpur Rural Police Station, Solapur Rural, they shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(b) The Applicant Nos.2 to 4 shall report to the Investigating Officer for two days i.e., on 07/06/2023 and 08/06/2023 between 11:00 a.m. to 02:00 p.m. ;

(c) The Applicants shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)