

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2397 OF 2023

Shaijad Javed Pathan and Others ...Applicants
vs.
The State of Maharashtra and Others ...Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO.2402 OF 2023

Abdul Gaffar Abdul Razzaq Pathan and Others ...Applicants
vs.
The State of Maharashtra and Others ...Respondents

Mr. Shailesh Chavan a/w. Mr. Sachin Anande, for the Applicant in
ABA. No. 2397 of 2023.
Mr. Sachin Thorat, for the Applicant in ABA. No. 2402 of 2023.
Mr. N.B. Patil, APP for the State in ABA.No. 2397 of 2023.
Mrs. Geeta Mulekar, APP for the State in ABA. No. 2402 of 2023.

CORAM : N. J. JAMADAR, J.
DATE : AUGUST 24, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned
APP for the State.

2. The applicants No. 1 to 6 in ABA. No. 2397 of 2023 have
preferred this application for pre-arrest bail in connection with
C.R.No. 241 of 2023 registered with Junnar police station, Pune for
the offences punishable under sections 143, 145, 147, 148, 149, 307,
327, 323, 504 and 506 of Indian Penal Code, 1860.

3. Abdul Gafar Pathan, the first informant, lodged a report with the allegations that on 26th June, 2023 the applicants and others formed an unlawful assembly and in prosecution of the common object of unlawful assembly committed rioting armed with deadly weapons and caused hurt to the first informant and other injured while hurling abuses and threats to kill the first informant.

4. The applicant Nos. 1 to 3 in ABA No. 2402 of 2023 have preferred the application apprehending arrest in C.R. No. 242 of 2023 for the offences punishable under sections 143, 145, 147, 148, 149, 307, 326, 324, 323, 504 and 506 of Indian Penal Code, 1860.

5. The said first information report was lodged by Junaid Pathan, the applicant No. 2 in ABA No. 2397 of 2023. In the said first information report No. 242 of 2023, it was alleged that the informant party in first information report No. 241 of 2023 had formed an unlawful assembly and in prosecution of the common object of the said unlawful assembly committed rioting armed with deadly weapons, caused grievous hurt to the first informant and other injured.

6. When the applications were taken up for hearing, it was

submitted on behalf of the counsels for the parties that the parties have amicably resolved the dispute and were seeking quashment of the first information report in the respective cases.

7. In ABA. No. 2397 of 2023 the first informant/ respondent No. 2 filed an affidavit affirming that the dispute has been amicably resolved and he has decided to give consent for quashing the first information report. Likewise, in ABA. No. 2402 of 2023 Junaid Pathan, the first informant in C.R. No. 242 of 2023, filed such an affidavit.

8. Learned APP fairly submitted that though there are number of injured on both the sides, none of the injured had sustained a grievous injury.

9. The situation which thus obtains is that, in a scenario of virtual free fight, the members of each of the groups assaulted the members of the other group. It does not seem that any of the injured has sustained a grievous injury. The parties have decided to bury the hatchet. The first informant in each of the cases has filed affidavit. The parties have also decided to give consent for quashing the subject first information report in each of the cases.

10. Otherwise also, the applicants appear to have permanent place of abode and roots in society. Possibility of fleeing away from justice seems to be remote.

11. In the aforesaid view of the matter, I deem it appropriate to exercise the discretion to grant pre-arrest bail to the applicants in both the applications.

Hence, the following order.

ORDER

1] Anticipatory Bail Application Nos. 2397 and 2402 of 2023 stand allowed.

2] In the event of arrest in C.R. No. 241 of 2023 registered with Junnar police station, the applicants Shaijad Javed Pathan, Junaid Isak Pathan, Javed Usman Pathan, Ashpak Usman Pathan, Anwar Usman Pathan and Abdul Mohammad Pathan in ABA. No. 2397 of 2023 be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- each with one or two sureties in the like amount.

3] In the event of arrest in C.R. No.242 of 2023 registered with Junnar police station, the applicants Abdul Gaffar Abdul Razzaq Pathan, Kamruddin Biramkhan Pathan and Saad

Sameer Pathan @ Mohammad Saad Sameer Pathan in ABA. No. 2402 of 2023 be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- each with one or two sureties in the like amount.

4] The applicants shall cooperate with the investigation and attend Junnar police station, on every alternate Sunday in between 10 am to 12 noon for a period of two months.

5] The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, injured or any other person acquainted with the facts of the case.

6] The applicants shall maintain peace and be of good behaviour.

7] The applicants shall regularly attend the proceedings before the jurisdictional Court.

(N. J. JAMADAR, J.)