



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2603 OF 2023**

Shoeb A. Jabbar Shaikh	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Ujwal Agandsurve, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. Ankolikar, API, Sadar Bazar Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 14 SEPTEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.323 of 2023 registered with Sadar Bazar Police Station, Solapur, for the offences punishable under Sections 367, 327, 323, 452, 341, 342, 427, 143, 144, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860.
3. The first informant is a student. He was friends with a classmate. On 16 May 2023 suspecting that he was in a relationship with the said classmate, 15-20 persons accosted, abused and assaulted him for having teased the said girl. He was taken to the house of the said girl. Allegedly, the first informant was assaulted by a number of persons. Since the first informant had not known the persons who formed the said unlawful assembly, he lodged report against few named persons, whose

identity he could ascertain on the basis of the conversation those persons had, and 15-20 unknown persons. One of the named persons was Shoeb. The Applicant, thus, apprehended arrest.

4. The learned Additional Sessions Judge declined to exercise the discretion in favour of the applicant. Hence, this application.

5. The learned Counsel for the Applicant submitted that the FIR was lodged against unknown persons with omnibus allegations. Offence under Section 367 IPC is not prima facie made out. Injury certificate indicates that the first informant had sustained minor injuries. The Applicant has been roped in on the basis of omnibus allegations in the FIR.

6. From the perusal of the allegations in the FIR, it becomes abundantly clear that the first informant had not known persons who had allegedly formed unlawful assembly and abducted him. The role attributed to the named assailants is also of assault by means of various weapons. However, the injury certificate indicates that there were no fresh injuries on the person of the first informant and there were three minor injuries on left elbow, eyes and lower back. Thus, the offence punishable under Section 367 of the Penal Code is not prima facie made out.

7. Moreover, prima facie, there does not seem to be any material to establish the nexus between the applicant and the alleged offences. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Shoeb A. Jabbar Shaikh in connection with C.R.No.323 of 2023 registered with Sadar Bazar Police Station, Solapur, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Sadar Bazar Police Station, Solapur, on every Saturday from 10.00 a.m. to 1.00 p.m. for a period of one month.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

(N.J.JAMADAR, J.)