

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

ANTICIPATORY BAIL APPLICATION NO. 401 OF 2024

Jameer @ Jameer Papamiya Shaikh Applicant

Versus
The State of Maharashtra Respondent

YUGANDHARA
SHARAD
PATIL

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Mr. Aftab A. Khan a/w Salman K. Pathan, for the Applicant.
Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 136 of 2023 registered at Samarth Police Station, Pune, on 15/06/2023, under sections 307, 323, 504, 506. 143, 147, 149 of the Indian Penal Code and under Sections 37 (1) and (3) ,135 of Maharashtra Police Act, 1951.

2. The FIR is lodged by one Riyaz Mehboob Khan. He has stated that he was knowing one Wasim. On 15/06/2023 at about 6.45 p.m., the said Wasim, his wife Asma, Son Aklam and one

unknown person came there. They started assaulting the brother of the informant. Wasim's father in law said that he would be killed and they started assaulting him. Thereafter, another person gave a blow with a sharp weapon on the hand of informant's brother. Wasim assaulted on his head with a sharp weapon. All of them started assaulting the informant's brother. The informant ran away and stood behind a car. The people in the locality were scared. After some time, the accused went away and then the FIR is lodged.

3. Learned counsel for the Applicant submitted that he is not named in the FIR. There were financial transactions between the Applicant and Wasim. He was unnecessarily dragged in this incident. He submitted that Applicant's custodial interrogation is not necessary. There are no antecedents against him.

4. Learned APP with the help of Investigation papers submitted that the Applicant was present at the spot. He is attributed the role of instigation. He had also slapped the injured

Aarif. The Applicant had also assaulted with sharp weapon.

5. I have considered these submissions and perused the injury certificate. Injured Aarif has suffered eight grievous injuries with incised wounds on the head and hands with sharp weapon. Therefore prosecution case is corroborated by medical certificate. The statement of the injured Aarif is important. He has stated that on 15/06/2023, Wasim, his wife, son Aklam and one Husein came there. The Applicant Jameer slapped Aarif and stated that he should be finished. Thereafter all others started assaulting Aarif with sharp weapons. In that incident, he had suffered many injuries. Thus, it is clear that as per the injured Aarif's statement, the Applicant had accompanied other accused. They had carried sharp weapons. The Applicant instigated other accused to finish Aarif. Thereafter, all other accused assaulted him with sharp weapons causing many grievous injuries. Therefore the Applicant's role is also established. Injuries are grievous. There are many injuries.

6. In this view of the matter and considering the gravity

of the offence, the Applicant cannot be protected under Section 438 of Cr.P.C. The Application is rejected.

(SARANG V. KOTWAL, J.)