

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

ANTICIPATORY BAIL APPLICATION NO.526 OF 2024

Naushad Samir Sayyad & Anr.	 Applicants
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.527 OF 2024**

Samir Jahangir Sayyad & Anr.	 Applicants
versus	
State of Maharashtra	 Respondent

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- Ms. Divyashree Shanbhag i/b. Neha R. Kokare, Advocate for Applicants in both ABAs.
- Mr. Nitin B. Patil, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 26th FEBRUARY, 2024**

P.C. :

1. Both these applications are decided by this common order because they arise out of the same incident and it is registered as the same offence.

2. The Applicants are seeking anticipatory bail in connection with C.R.No.3/2024, dated 02/01/2024, registered

with Valchand Nagar Police Station, Pune Rural, under sections 354, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Heard Ms. Divyashree Shanbhag, learned counsel for the Applicants and Mr. Nitin B. Patil, learned APP for the State.
4. The FIR is lodged by the one 'P'. She has stated that the Applicant Samir was the neighbour of the victim's family. On 31/12/2023, in the morning, the Applicant Samir had outraged the modesty of the informant's sister-in-law. At that time, informant's family had not lodged any complaint, but the informant's husband had picked up quarrel with the Applicant Samir. At that time, all the Applicants had assaulted and threatened the informant's husband. On the next date i.e. 01/01/2024 the incident in question, which is the subject matter of the offence, took place at about 10.00 a.m. in the morning. At that time, the informant's brother-in-law Tukaram was putting up compound around his property. The Applicants told him not to put obstruction because it was the only way, from where they could reach their property. Tukaram refused and the quarrel took

place. It is alleged that the Applicant Aajmir gave a blow with blunt side of the sickle on Tukaram's forehead, the Applicant Samir gave a blow on Tukaram's face with an iron instrument. The other two accused Naushad and Madina assaulted Tukaram with fist and kick blows. On this basis, the FIR is lodged.

5. Learned counsel for the Applicants stated that the Applicants had lodged their own FIR vide C.R.No.1/2024 at the same police station. It was lodged by the Applicant Naushad. In connection with that FIR, the present informant's husband and others were accused. In that case, this Court had granted anticipatory bail to the Applicants therein vide order dated 09/02/2024 passed in Anticipatory Bail Application No.380 of 2024. In that order, there was an observation that it appeared to be a free fight between the two groups and that it appears that both the parties were exaggerating the incident. She submitted that same reasons be applied in the present case as well. She further submitted that no grievous or serious injuries are caused to the informant's brother-in-law.

6. Learned APP produced the injury certificate of Tukaram as well as the other statements recorded to oppose the application.
7. I have considered these submissions. There are statements of Tuakaram's wife and one Pushpa supporting the allegations in the FIR. As far as the medical certificate is concerned, it shows that Tukaram had suffered one small injury on the forehead of the dimension 1 x 2 cm and the other injury was below the left eye. The injury No.1 was described as the simple injury. There was no opinion expressed about the second injury, neither any size was mentioned. Therefore, at this stage, there is nothing to show that Tukaram had suffered any grievous injury attracting the provisions of section 326 of the IPC. In any case, as mentioned earlier and as referred in the earlier order granting anticipatory bail to Kishor Hulse and others, it appears to be a free fight between the two groups. It had begun on the spur of moment. There are no grievous injuries caused. The allegations u/s 354 of IPC, are made by both the sides and

neither side had lodged any complaint about that particular offence immediately. In this view of the matter, sufficient doubt is created about the allegations made against the Applicants in this case also. Therefore, their custodial interrogation is not necessary. They can be protected u/s 438 of Cr.P.C.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.3/2024, dated 02/01/2024, registered with Valchand Nagar Police Station, Pune Rural, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall cooperate with the investigation.
- (iii) The applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)