

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

ANTICIPATORY BAIL APPLICATION NO.789 OF 2024

1. Shakeer Bashir Bepari,
2. Jakir Bashir Bepari,
3. Sadik Jalal Bepari,
4. Juber Shabbir Bepari,
5. Faheem Hussain Bepari,
6. Kaif Jakeer Bepari,
7. Afsar Rasul Bepari, &
8. Saddam Rafiq Bepari @ Goldman. Applicants
Versus
The State of Maharashtra Respondent

Mr. Raviraj R.Paramane, Advocate a/w. Shubham Singh for
the Applicants.
Mr. C.D. Mali, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st MARCH, 2024

P.C. :

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1. The Applicants are seeking anticipatory bail in
connection with C.R.No.745/2023 registered at Alephata
Police Station, District-Pune on 1.12.2023 under sections

143, 144, 147, 307, 324, 148, 149, 336, 427, 504, 506 of IPC.

2. Heard Mr. Raviraj Paramane, learned counsel for the Applicants and Mr. C.D. Mali, learned APP for the Respondent-State.

3. The FIR is lodged by the Anket Shirtar. He has stated that on 30.11.2023, he was called by one Riyan Inamdar. He was told that Riyan had some altercation with one Hussain and there was quarrel. The informant went there. He intervened. Riyan and Hussain went away. The informant had his food and again he came on the road. He again heard that Riyan and Hussain were quarreling and fighting with each other. Again he intervened and both of them went home. After that the informant was going towards a temple at around 9.00 p.m.. At that time Hussain, Miraj, Papa, Akib, Saddam and Sameer came towards him with iron rods and sticks. There were 4 to 5 two-wheelers behind them. Miraj gave a blow with iron rod on his back. He also gave a blow with iron rod on his head due to which

the informant fell down. The others assaulted him with iron rod and sticks. Sameer gave a blow with iron fighter on his ribs. All of them then went away. In the second part of the incident, the informant's brother Sagar and others went to the area of those assailants. Therefore, the second part of incident took place in which the present Applicants had taken part. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the injuries were caused to the informant in the first part of the incident. The second part of the incident was comparatively minor incident in which nobody was seriously injured. In that second part, the informant's group had gone to question the Applicants' group and, therefore, the informant's group was the aggressor. In that connection, the Applicants' group has lodged their own FIR vide C.R. No.746/2023 at Alephata police station.

5. Learned APP opposed these submissions and produced the investigation papers.

6. I have considered these submissions and I have perused the investigation papers. There are statements of eye witnesses Sagar and Prashant. They have narrated about the second part of the incident by which time the informant was already assaulted. The injury certificate of the informant shows that he had suffered depressed fracture of the skull and there was hemorrhagic contusion on the right frontal lobe. There was extradural haematoma in the right fronto parietal region. Thus, the informant has suffered serious injury but that was caused in the first part of the incident when the Applicants were not present at the spot. Therefore, they cannot be held responsible for the injuries caused to the first informant. In this view of the matter, custodial interrogation of the Applicants is not necessary. They can be protected under Section 438 of Cr.PC..

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.745/2023 registered at Alephata Police Station, District-Pune, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned police station once a week for a period of three months from today.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)