

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

CRIMINAL BAIL APPLICATION NO. 1809 OF 2024

Junaid Wajid Jikre

..Applicant

Versus

The State of Maharashtra

..Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 1880 OF 2024

1. Junaid Aaslam Shaikh,

2. Parvej Javed Shaikh.

..Applicants

Versus

The State of Maharashtra

..Respondent

Mr. Shailesh Kharat for Applicant in BA/1809/2024.

Mr. B. J. Shaikh for Applicant in BA/1880/2024.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 8 MAY 2024

P.C. :

1. Both these applications are decided by this common order today because they arise out of the same registered offence.

2. The Applicants are seeking their release on bail in connection with C.R.No.232 of 2024 registered at Indapur Police Station, Pune Rural, on 07.03.2024, under sections 143, 147, 148,

149, 307, 324 of the Indian Penal Code, under Sections 4 and 25 of the Arms Act and U/s.135 of the Maharashtra Police Act.

3. Heard Mr. Shailesh Kharat, learned counsel for the Applicant in B.A. No.1809 of 2024, Mr. Shaikh, learned counsel for the Applicant in B.A. No.1880 of 2024 and Ms. Mahalakshmi Ganapathy, learned APP for the State.

4. For the sake of convenience, the applicants are referred to by their names in the following discussion. The F.I.R. is lodged by one Afsar Pathan. He has stated that, in January 2024 there was some quarrel between one Shameer and one Wasim Shaikh. From then onwards, there was some enmity between the two groups. On 06.03.2024 at about 8:30p.m. the informant, his son Nihal and cousin Shameer were returning home. Nine accused came there on their two wheelers. They were carrying weapons like sword, sickle and iron rods. All the three applicants are mentioned by names in the F.I.R. The F.I.R. thereafter mentions the incident. It is alleged that the accused Wasim gave a blow with sickle on the informant's head. Sohail Shaikh gave a blow with *gupti* on Shameer's eye.

Faijan assaulted Nihal with sickle; because of which his left ear was cut. Apart from these specific roles, weapons and accused, there are general allegations that the other accused including the present three applicants assaulted the informant, Shameer and Nihal with kicks and fist blows and with iron rods. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicants submitted that, all of them were arrested on 07.03.2024 and since then they are in custody. Though, Section 149 of the I.P.C. is applied, for consideration of bail, their individual roles be considered. They prayed for leniency.

6. Learned APP produced the investigation papers before the Court to oppose this application. She submitted that, there are eye witnesses and there are medical certificates.

7. I have considered these submissions and I have perused the investigation papers. There are eye witnesses namely Fakir Pathan, Ashfaq Inamdar and Saddam Sayyed. Their statements are consistent. They corroborated the allegations in the

F.I.R. However, all of them have added that the applicant Parvez had given a blow with an iron pipe on Shameer's neck. The informant had suffered simple injuries, but Nihal and Shameer had suffered grievous injuries. Nihal had suffered incised injury on left ear. The ear was cut. There was another injury in the nature of blunt trauma on the left side of the face and there was evidence of bell's palsy. Shameer had suffered four CLWs on the left eyebrow and three abrasions on left scapular region. Both these injuries were described as simple injuries. The third injury was blunt trauma on the left eye affecting his vision. It was termed as grievous injury. However, none of these injuries to either of these injured are attributed to any role played by the present applicants. Considering this, for consideration of bail, leniency can be shown to these applicants. However, looking at the nature of the incident, some conditions are required to be imposed on them.

8. Hence, the following order :

ORDER

- i) In connection with C.R.No.232 of 2024 registered at Indapur Police Station, Pune Rural, the

applicants are directed to be released on bail on their executing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

- ii) The Applicants shall attend the concerned Police Station on every Sunday between 10:00a.m. to 11:00a.m. for the period of six months from today.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)