

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.1513 OF 2024**

Sameer Mohammad Aabid Jatu and Others                      ...Applicants  
vs.  
The Senior Police Inspector and Another                      ...Respondents

Mr. Mateen Shaikh a/w. Ms. Muskan Shaikh, Mr. Muzammil Shaikh,  
Mr. Obaidullah Azmi, for the Applicants.  
Mr. Avinash Naik, APP, for the Respondent/State.  
Mr. Sharif Shaikh, for the first informant.

**CORAM : N. J. JAMADAR, J.**  
**DATE : JUNE 25, 2024**

**P.C.:**

1. Heard the learned counsel for the parties.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 526 of 2024 registered at Bhiwandi police station for the offences punishable under sections 395, 452 and 427 of Indian penal Code, 1860.
3. At the outset, the learned counsel for the applicants invites attention of the Court to the order dated 9<sup>th</sup> May, 2024 passed in BA No. 2046 of 2024 whereby co-accused Zakir Mohammed Hussain Malwan came to be released on bail. It is submitted that the parties have amicably resolved the dispute and an affidavit was filed in BA No. 2046 of 2024 by the first informant and thereupon this Court proceeded to grant bail to the said accused Zakir Mohammed Hussain Malwan. It was further submitted that the incident had

occurred over a trivial issue of quarrel between two small boys.

4. The learned counsel for the first informant who has filed application for pre arrest bail in FIR No. 526 of 2024 submits that the first informant has no objection to consider the prayer for pre-arrest bail as the matter has been resolved.

5. While releasing co-accused Zakir Mohammed Hussain Malwan this Court has, inter alia, observed as under:-

3] Hanzala Jamshed Ahmed Shaikh, first informant, lodged a report to the effect that on 13 April 2024 at about 11.30 p.m., an altercation ensued as Salman Shaikh, the injured, scolded the boys who were throwing the soil around. Sahil Jatu (A1) brother of one of the boys pushed Salman aside. Sahil (A1) called the other co-accused. The applicant and other co-accused allegedly assaulted the first informant, Salman, Umer and Zaib. As the first informant and his associates rushed to the office of Sufiyan Sheth to save themselves, the applicant and co-accused followed them. They ransacked the office and committed theft of cash of Rs.1,50,000/- which was lying in the drawer of the office table. The applicant and co-accused allegedly assaulted the first informant and other injured by means of iron rod.

4] Learned Counsel for the applicant submitted that the incident had occurred over a trivial issue of quarrel between two small boys. In respect of the very same occurrence, Sahil (A1) has lodged a report being FIR No.527 of 2024 for the offences punishable under Sections 395, 397 of IPC. The parties have amicably resolved the dispute. Hanzala Jamshed Ahmed Shaikh, first informant, has filed an affidavit giving consent to grant bail.

5] Perused the FIR and the material on record, as well as the affidavit of Hanzala Jamshed Ahmed Shaikh, first informant. It appears that in respect of the one and the same occurrence, two versions have been reported. It appeared to be a case of a free fight. The parties seem to have resolved the dispute. The first informant has given consent to grant bail to the applicant.

6. For the foregoing reasons and the genesis of the occurrence as well as the submission on behalf of the parties that the parties have

amicably resolved the dispute, I am persuaded to protect the liberty of the applicant.

Hence, the following order.

**ORDER**

1] In the event of arrest in C.R. No. 526 of 2024 registered with Bhiwandi police station, the applicants be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.

2] The applicants shall appear before the Investigating officer as and when directed.

3] The applicants shall not tamper with the prosecution evidence. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

4] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail.

**(N. J. JAMADAR, J.)**