

Abu Zaid Jamshed Ahmed Shaikh and Others ...Applicants
vs.
The Senior Police Inspector and Another ...Respondents

Mr. S.R. Shinde, PSI, Bhiwandi police station.

DATE : JUNE 25, 2024

1. Heard the learned counsel for the parties.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 527 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 the attention of the Court to the order dated 9th May, 2024 passed in BA No.2037 of 2024 whereby co-accused Abu Sufiyan Murtuza Shaikh and Anas Abu Sufiyan Shaikh came to be released on bail. It is submitted that the parties have amicably resolved the dispute

and affidavit was filed by the first informant and the injured and thereupon this Court was persuaded to release the co-accused on bail.

4. The learned counsel for the applicants submitted that, in fact, the first informant had addressed a letter to the investigating officer seeking to withdraw the report lodged against the applicants. While releasing the co-accused Abu Sufiyan Murtuza Shaikh and Anas Abu Sufiyan Shaikh on bail, this Court has, inter alia, observed as under:-

3] Sahil Mohammed Jatu, first informant, lodged a report to the effect that on 13 April 2024 at about 11.30 p.m., two boys were making fun of each other by throwing soil. Salman and two other persons scolded those boys. When the first informant questioned as to why they were scolding the boys, the applicants and co-accused came thereat armed with cricket bat and stump and started to abuse and assault the first informant. Mohd. Ali, friend of the first informant, came to his rescue. The applicant and the co-accused also assaulted him by means of sticks and fist and kick blows. Harun Khan, co-accused allegedly took out iron nuckles and gave a blow on the face of Mohd. Ali. He was also robbed of wrist watch, gold chain and cash; the stolen property aggregated to Rs.1,90,000/-.

4] Learned Counsel for the applicant submitted that the incident had occurred over a trivial issue of altercation between two small boys. In respect of the very same occurrence, Hanjala Jamshed Shaikh (A1) has lodged a report being FIR No.526 of 2024 for the offences punishable under Sections 395, 452, 427 of IPC. The parties have amicably resolved the dispute. Sameer @ Sahil Mohammed Abid Jatu, the first informant, and Mohammed Ali Zakir Hussain Malwan, the injured, have filed affidavits giving consent to grant bail to the applicants.

5] Perused the FIR and the material on record, as well as the

affidavits of Sameer @ Sahil Mohammed Abid Jatu, the first informant, and Mohammed Ali Zakir Hussain Malwan, the injured. 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 and the injured have given consent to grant bail to the applicant.

5. It appears that it was essentially a case of a free fight arising out of a of trivial issue. The parties have resolved the dispute. The learned counsel for the first informant submits that he has no objection to grant relief to the applicants.

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 applicants.

Hence, the following order.

ORDER

1] In the event of arrest in C.R. No. 527 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 henceforth 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] It is clarified that the observations made herein-above are confined for the purpose of entitlement for pre-arrest bail.

(N. J. JAMADAR, J.)