

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1605 OF 2024**

Ashkan Nayyum Kureshi	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Rupesh A. Zade a/w. Ms. Priyanka Gupta for applicant.

Mr. Balraj B. Kulkarni, APP for respondent-State.

Mr. Dipak Y. Jadhav, i/b. Salman Pathan for intervenor.

Mr. Mahesh Mahadev Garad, PSI, Police Station Indapur, District Pune Rural.

CORAM : MANISH PITALE, J.

DATE : 21st JUNE, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0364 of 2024 dated 20.04.2024 registered at Police Station Indapur, District Pune Rural for offences under sections 4 and 25 of Arms Act, 1959, sections 143, 147, 307, 324, 506, 148 and 149 of Indian Penal Code, 1860 and section 135 of Maharashtra Police Act, 1951.

3. There are as many as nine accused persons in the present case and as per the statement of the informant leading to registration of FIR, the incident took place on 19.04.2024, when a meeting had taken place for resolving some dispute between two groups of persons. It is stated that during the course of such meeting, a quarrel occurred, wherein the applicant was

allegedly present. The informant has stated the manner in which he was assaulted on his head, face and hand by some of the accused persons.

4. This Court is informed that the main accused i.e. accused No.1, who is alleged to have used *koyta* to attack the informant on his head and face, was granted regular bail and in those proceedings, the informant gave his consent.

5. The learned counsel for the applicant submits that the accused Nos.1, 7 and 8 have been granted regular bail. It is submitted that only the presence of the applicant is stated by the informant and no overt act is attributed to him. It is submitted that the applicant is a college student and he has no criminal antecedents and that therefore, this Court may consider allowing the present application.

6. The learned APP, on the other hand, submits that not only the applicant is named in the statement leading to registration of FIR, but it is specifically stated that he was armed with *gupti*, thereby indicating his major role in the offence.

7. This Court has perused the material on record in the light of the submissions made by the learned counsel for the applicant and the learned APP.

8. The statement of the informant shows that the presence of the applicant is clearly mentioned and it is also stated that he was present with *gupti* in his hand. But, when the actual assault is described by the informant, the role is attributed to accused Nos.1, 3 and 5. It is alleged that

the accused Nos.1 and 5 assaulted the informant by way of *koyta* on his head and face, while the accused No.3 assaulted on the hand of the informant by way of a cutter. *Prima facie*, no overt act is attributed to the applicant. Accused No.1 is already enlarged on regular bail.

9. At worst, the presence of the applicant is stated by the informant. A perusal of the injury certificate shows that the informant suffered simple injuries attributable to the weapons allegedly used by the accused Nos.1, 3 and 5.

10. Considering the aforesaid material, so long as the applicant is ready to co-operate with the investigation, it would be appropriate to allow the present application, subject to specific conditions.

11. Accordingly, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0364 of 2024 dated 20.04.2024 registered at Police Station Indapur, District Pune Rural for offences under sections 4 and 25 of Arms Act, 1959, sections 143, 147, 307, 324, 506, 148 and 149 of Indian Penal Code, 1860 and section 135 of Maharashtra Police Act, 1951, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- (Rupees Twenty-five Thousand only) and one or two sureties in the like amount;
- (ii) The applicant shall remain present before the Investigating Officer on 26.06.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

(iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

12. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

13. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli