

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

ANTICIPATORY BAIL APPLICATION NO. 1627 OF 2024

Jameer Abral Bepari

...Applicant

Versus

The State of Maharashtra

...Respondent

SHRIKANT
SHRINIVAS
MALANI

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SHRIKANT
SHRINIVAS MALANI
Date: 2024.06.24
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- Mr. Ganesh Bhujbal, for Applicant.
- Mr. Tanveer Khan, APP for State.
- Mr. S.R. Kamble, P.C., Indapur Police Station, Pune (Rural).

CORAM : MANISH PITALE, J.

DATE : 24th JUNE, 2024.

P. C. :

1. Heard Mr. Ganesh Bhujbal, for Applicant and Mr. Tanveer Khan, learned APP for State.

2. At the outset, learned counsel for the applicant points out that co-accused person was granted anticipatory bail by order dated 21st June, 2024, passed by this Court in Anticipatory Bail Application No. 1605 of 2024. It is submitted that the present applicant is identically situated like the applicant therein and that therefore, this Court may consider granting relief on the ground of parity.

3. It is further submitted that in the present case, although the name of the applicant, as being present and armed with a knife, is mentioned in the statement of the informant, leading to registration of the First Information

Report (FIR), no specific role is attributed to him as regards the actual incident, wherein the victim is alleged to have suffered injuries.

4. The learned APP appearing for the State submits that the applicant has criminal antecedents, in as much as, there are two FIRs already registered against him, for the offences under the provisions of the Maharashtra Animal Preservation Act, 1976.

5. The applicant is apprehending arrest in connection with FIR No.0364 of 2024 dated 20th April, 2024 registered at Police Station Indapur, District Pune Rural for offences under Section 4 and 25 of the Arms Act, 1959, Sections 143, 147, 307, 324, 506, 148 and 149 of the Indian Penal Code, 1860 (IPC) and Section 135 of the Maharashtra Police Act, 1951.

6. There are 9 accused persons in the present case of whom, the applicant is shown as accused No.6. By the aforesaid order, this Court granted anticipatory bail to applicant accused No.4. A perusal of the material on record shows that even in the case of the applicant in the present proceeding, the only allegation appears to be that he was present at the time of the incident allegedly armed with a knife. But, the actual description of the incident shows that the only accused Nos.1, 3 and 5 assaulted the informant (victim), as a consequence of which, he suffered certain injuries. The said accused were alleged to have used *Koyta*. The injury certificate shows simple injuries

suffered by the informant.

7. Insofar as the criminal antecedents of the present applicant are concerned, the offences have been registered against the applicant under the provisions of the Maharashtra Animal Preservation Act, 1976. The offences do not show any allegation of bodily harm being caused to any human being and hence, this Court is inclined to hold in favour of the applicant.

8. This Court is convinced that the applicant is entitled to relief on the ground of parity with accused No.4 and hence, the application deserves to be allowed.

9. In view of the above, the application is allowed on the following terms:

- (I) In the event of the applicant is arrested in connection with FIR No.0364 of 2024 dated 20th April, 2024 registered at Police Station Indapur, District Pune Rural for offences under Section 4 and 25 of the Arms Act, 1959, Sections 143, 147, 307, 324, 506, 148 and 149 of the Indian Penal Code, 1860 (IPC) and Section 135 of the 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 Office on 26th June, 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.
10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.
11. 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.
12. The application stands disposed of.

(MANISH PITALE, J.)