

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

ANTICIPATORY BAIL APPLICATION NO. 1705 OF 2024

Raza Asif Alias Yunus Shah

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Pratik Kalantri, for Applicant.
- Mr. Sagar R. Agarkar, APP for Respondent.
- Mr. Vikram Mohite, P.I. Bhadrakali Police Station, Nashik.

CORAM : MANISH PITALE, J.

DATE : 01st July, 2024.

P. C. :

1. Heard Mr. Pratik Kalantri, learned counsel for the applicant and Mr. Sagar Agarkar, learned APP for the State.

2. The applicant is apprehending arrest in connection with First Information Report No.0114 of 2024, dated 11th April, 2024, registered at Police Station Bhadrakali, District Nashik, for the offences under Sections 307, 323, 160, 143, 147, 148, 149 and 504 of the Indian Penal Code (IPC), Section 135 of the Maharashtra Police Act and Section 7 of Criminal Amendment Act.

3. The learned counsel for the applicant submits that in the present case, in fact, the applicant is a victim, for the reason that he was assaulted at the time of the incident and when he went to the Civil Hospital, the members

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of the aggressor party followed him and again assaulted him in the Civil Hospital. It is submitted that the applicant himself has caused an FIR to be registered on 16th April, 2024, narrating the manner in which he was assaulted by accused persons, against whom he has grievance. It is further submitted that the FIR registered at the behest of the applicant was at Graavity Hospital where the applicant was undergoing treatment.

4. It is further submitted that the injury suffered by the three persons, wherein the applicant is one of the persons alleged to have assaulted, have all suffered simple injuries and there is no question of invoking Section 307 of the IPC. It is submitted that the applicant would cooperate with the investigation and therefore, this Court may consider allowing the present application.

5. learned APP submits that the subject FIR had to be registered on a statement given by a Police Officer, indicating the manner in which two groups at the local place indulged in violence. The applicant is allegedly the leader of one of the two groups. It is further submitted that the presence of the applicant is clearly stated by the informant in the present FIR and that unlawful assembly having been alleged against the accused persons in the present case, the applicant is also equally liable for the injuries suffered by the victims. It was brought to the notice of this Court that the other accused

persons were arrested and they were granted regular bail.

6. This Court has perused the material on record. The FIR shows that the name of the applicant is specifically taken by the informant, while stating that all the accused persons were present at the spot of the incident and that they assaulted the victims by way of sticks and *Koytas*. On this basis, the aforementioned FIR was registered for various offences, including offence under Section 307 of the IPC.

7. The documents on record also shows that a cross FIR has been registered at the behest of the applicant, although after five days, pertaining to the incident in question. It is alleged by the applicant that he was assaulted by the persons named by him as accused and that subsequently also on the same day i.e. on 11th April, 2024, he was further assaulted when he was undergoing treatment in the Civil Hospital. The statement of the applicant, which led to registration of the FIR at his behest was recorded in a Private Hospital, where he was subsequently undergoing treatment.

8. The aforementioned material on record does indicate that there was a scuffle between the two groups. The presence of the applicant is specifically stated by the informant in the subject FIR. But, specific overt act with the use of any weapon is not mentioned in the statement of the informant. This Court has perused the injury certificates pertaining to three

victims, who were injured in the present case. The injuries are all recorded as simple injuries.

9. Considering the material on record, this Court finds that so long as the applicant cooperates with the investigation and appropriate conditions are imposed, relief can be granted in this application, particularly because specific overt act by use of any weapon is not even alleged against the applicant.

10. In view of the above, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR No.0114 of 2024, dated 11th April, 2024, registered at Police Station Bhadrakali, District Nashik, he shall be released on furnishing PR bond of ₹ 25,000/- and one or two sureties of like amount, to the satisfaction of the Trial Court.
- (B) The aforesaid applicant shall remain present before the Investigating Officer on 03rd July, 2024 between 10.00 a.m, and 12.00 noon, and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall cooperate with the investigation.

(D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

11. Needless to say, in case of violation of any of the aforesaid conditions, the anticipatory bail granted to the applicant shall be liable to be cancelled.

12. It is made clear that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant and that the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The anticipatory bail application is disposed of.

(MANISH PITALE, J.)