

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

ANTICIPATORY BAIL APPLICATION NO. 1901 OF 2024

Azhar @ Azroddin Salim Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Advait Uday Shukla, for the Applicant.
- Mr. Rushikesh M. Pethe, APP for the Respondent.

CORAM : MANISH PITALE, J.

DATE : 26th July, 2024.

P. C. :

1. Heard Mr. Shukla, learned counsel for the applicant and Mr. Pethe, learned APP for the State.

2. The applicant apprehends arrest in connection with First Information Report No.0276 of 2024, dated 26th April, 2024, registered at Foujdar Chavdi Police Station, District Solapur City, for offences under Sections 143, 147, 149, 324, 327 and 504 of the Indian Penal Code (IPC) and Section 135 of the Maharashtra Police Act, 1951.

3. The applicant is one of the six accused persons, who are alleged to have assaulted the informant – victim leading to registration of the FIR.

4. At the outset, learned counsel for the applicant submits that co-accused Anup Shriram Jadhav, who is attributed the same role as the applicant

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before this Court, was granted anticipatory bail by this Court by order dated 18th July, 2024. Hence, ground of parity is also pressed into service on behalf of the applicant.

5. The learned counsel for the applicant submits that this is a case of cross-FIRs, as the wife of accused No.1 Aniket Jadhav had caused registration of FIR, prior to registration of subject FIR. Attention of this Court is invited to FIR No.0275 of 2024 registered on the very same day in the said Police Station against the informant in the present case and other accused persons, for offences under the provisions of IPC and also under the provisions of the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989. It is submitted that in the statement of the informant therein i.e. the wife of accused No.1 Aniket Jadhav, shows the genesis of the incident and as to the manner in which the informant herein and his associates had abused the wife of accused No.1 Aniket Jadhav in the name of her caste, etc.

6. It is further submitted that in any case, the only overt act attributed to the applicant in the present FIR, is that he along with two accused persons, abused the informant and assaulted him by way of kicks on his body. On this basis, it is submitted that this Court may consider granting relief to the applicant.

7. Learned APP does not dispute that this is indeed a case of cross-

FIRs. It is submitted that the presence of the applicant is clearly stated in the statement of the informant leading to registration of subject FIR. It is stated that the co-accused persons had used iron rod and sword to attack the informant, thereby showing the seriousness of the incident.

8. This Court has considered the material on record. Undoubtedly, this is a case of cross-FIRs, with the first FIR being registered at the instance of the wife of accused No.1 Aniket Jadhav. It appears that the genesis of the incident was in the backdrop of participation in a procession by the wife of accused No.1 Aniket Jadhav and his family members, which was allegedly being resisted by the informant herein and his associates.

9. This Court has perused the statement of the informant leading to registration of the FIR. The only role attributed to the applicant is that on the date of the incident the applicant appears to have abused the informant and slapped him. In fact, the initial part of the description of the incident indicates that the informant and the applicant had exchanged pleasantries and thereafter, somehow the incident took a different turn.

10. Considering the role attributed to the applicant, which appears to be similar to the role attributed to co-accused person Anup Shriram Jadhav, who was granted anticipatory bail by this Court, this Court is inclined to allow the present application.

11. In any case, this is a case of cross-FIRs and the informant does not appear to have suffered any serious external injuries.

12. Hence, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR No.0276 of 2024, dated 26th April, 2024, registered at Foujdar Chavdi Police Station, District Solapur City, he shall be released on bail on furnishing PR Bond of ₹25,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court
- (B) The applicant shall remain present before the Investigating Officer on 29th July, 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present;
- (C) 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;
- (D) The applicant shall co-operate with the investigation and also in the proceedings before the Trial Court.

13. In the event, the applicant violates any of the conditions specified

in this order, it shall be liable to be cancelled.

14. It is also clarified that 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.

15. The application stands disposed of.

(MANISH PITALE, J.)