

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

ANTICIPATORY BAIL APPLICATION NO. 1976 OF 2024

1. Akhtar Hussain Qureshi		
2. Jakir Abdulmajjid Bepari	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Ganesh Bhujbal for the Applicants.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. S. K. Pathan for proposed Intervenor/complainant.
Mr. M. M. Garad, PSI, Indapur Police Station, Dist. Pune.

**CORAM: MANISH PITALE, J.
DATE : 7th AUGUST 2024**

P.C. :

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

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

3. The applicants are amongst nine persons, who are named as accused in the present case and the allegation is that all of them assembled and assaulted the informant and another injured victim.

4. At the outset, the learned counsel for the applicants invites attention of this Court to an order dated 21st June 2024 passed by this Court in Anticipatory Bail Application No. 1605 of 2024, wherein accused No.4-Ashkan Nayyum Kureshi was granted anticipatory bail, after taking into consideration the role attributed to the said accused person.

5. In the present case, a perusal of the statement of the informant, leading to registration of the FIR, shows that while presence of both the applicants is specifically stated, insofar as applicant No.2-Jakir Bepari is concerned, it is submitted that he was present with a knife in hand. No specific overt act is attributed to the said applicant and a perusal of the injury certificate of the informant and the other victim, shows that specific injury relatable to any overt act on the part the applicant No.2 is not mentioned.

6. But, insofar applicant No.1-Akhtar Qureshi is concerned, this Court finds that not only is he specifically named, but it is also stated that he used the cutter in his hand to cause injury to the arm of the informant. The injury certificate shows the corresponding injury on the arm of the informant.

7. It is further brought to the notice of this Court by the learned APP that there are atleast two criminal antecedents of the applicant No.1. Hence, the following order is passed, while partly allowing the application :

- (a) The application, insofar applicant No.1-Akhtar Hussain Qureshi is concerned, is dismissed.
 - (b) In the event the applicant No.2-Jakir Abdulmajjid Bepari is arrested in connection with FIR No. 0364 of 2024 dated 20th April 2024 registered at Indapur Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
 - (c) The applicant No.2 shall remain present before the Investigating Officer on 9th August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
 - (d) The applicant No.2 shall cooperate with the investigation and also in the proceedings before the trial Court.
 - (e) The applicant No.2 shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.
8. Needless to say, violation of any of the aforesaid conditions would make the applicant No.2 liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of

grant of anticipatory bail to the applicant No.2 in the present application.

9. The application is disposed of.

MANISH PITALE, J.