

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 908 OF 2025

Riyaj Abdulgani Patel	...Applicant
Versus	
State Of Maharashtra	...Respondent

Adv. Ritesh Thobde a/w. Adv. Ankita Rao, a/w. Adv. Changdev Shingade, Advocate for the applicant.

Ms. Pallavi Dabholkar, APP for the State.

Ganpati Bandgar, Police Constation Akkalkot Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 7 APRIL 2025

P.C.:

1. The present application is filed by the applicant for grant of anticipatory bail in regard to the offences punishable under Sections 327, 324, 504, 506, 143, 147, 148 r/w. Section 149 of the Indian Penal Code vide C.R. NO.443 of 2021 at Akkalkot North Police Station, Akkolkat.
2. The FIR has been lodged based on an Complaint, which mentions about the role of the present applicant.
3. The learned advocate for the applicant submits that there is a delay of six days in lodging the FIR. This is a case of cross FIRs. The FIR

lodged by the co-accused, Dastagir Saipan Shaikh, was filed prior in time and immediately after the incident. In the FIR lodged by the First Informant there are seven accused persons, this Court has already granted anticipatory bail to Khashim Saifan Shaikh, Jakir Basha Kavtekar, and Dastagir Saipan Shaikh. Furthermore, in the FIR lodged by the co-accused Dastagir Saipan Shaikh, an application for pre-arrest bail filed by Shakeer Murtuj Patil and others was allowed on the ground that internal clashes between the parties appear to be the cause for registration of the offences. The applicant is willing to cooperate with the investigation.

4. The role of the co-accused, Dastagir Saipan Shaikh, and the present applicant has been similarly alleged in the FIR. The said Dastagir Saipan Shaikh has already been granted pre-arrest bail on 18th August 2023.

5. The learned APP submits that, although pre-arrest bail has been granted to a few of the co-accused, the custody of the present applicant is necessary as the injury sustained is of a serious nature, and it has been alleged that the applicant struck the informant on the head.

6. I have heard the learned advocates for both sides and have perused the documents on record. The role of co-accused Dastagir Saipan Shaikh and the present applicant as alleged in FIR appear to be

similar. It is alleged that, out of the seven accused persons, the applicant and Dastagir Saipan Shaikh used weapons to hit the informant on his head. Interim protection was granted to the said Dastagir Saipan Shaikh along with Jakir Basha Kavtekar by this Court vide order dated 28th July 2023. The said anticipatory bail application was subsequently allowed by order dated 18 August 2023.

7. It has also been submitted before me that the present applicant has no criminal antecedents. The injury certificate does not mention that the injury is grievous in nature. The learned advocate for the applicant has referred to *Modi's Textbook of Medical Jurisprudence and Toxicology*, and in particular Section 25.1 – Introduction – which deals with medico-legal purposes, where injuries caused by mechanical violence are categorized as bruises or contusions, abrasions, and other wounds. The learned advocate also referred to Section 25.2 – Bruises/Contusions – and submits that, considering the definitions provided therein regarding bruises, contusions, and haematomas, the injury described in the medical certificate would not amount to a grievous hurt.

8. Considering the medical certificate which is part of police records, and the fact that the a co-accused was granted pre-arrest bail, I am satisfied as of today the custody of the present would not be necessary to complete the interrogation.

ORDER

(a) The anticipatory bail application is allowed

(b) In the event of arrest of the Applicant C.R. NO.443 of 2021 at Akkalkot North Police Station, Akkolkat. for the offences punishable under Sections 327, 324, 504, 506, 143, 147, 148 r/w. Section 149 of the Indian Penal Code. The Applicant shall be released on bail furnishing PR. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.

(c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station on 16 April 2025 and 17 April 2025 between 11.00 a.m to 1.00 p.m., and thereafter, as and when called upon to do so.

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of

residence.

10. Needless to say, violation of any of the aforesaid conditions would make the applicant 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 in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. In view of the above, **the present Anticipatory Bail Application is disposed of.**

(RAJESH S. PATIL, J.)