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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 900 OF 2025

ALTAF GAFUR KAZI & ORS.

..... APPLICANTS

VERSUS

STATE OF MAHARASHTRA & ANR.

..... RESPONDENTS

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO. 1004 OF 2025

RIHAN RASHID KAZI & ANR.

..... APPLICANTS

VERSUS

STATE OF MAHARASHTRA & ANR.

..... RESPONDENTS

Ms.Shreya Anuwal i/b. Mr.Sumit Patil for the Applicants in ABA/900/2025.

Mr. Raviraj Gamare a/w. Mr.Manoj Gaikwad for the Applicants in ABA/1004/2025 and for the Respondent No.2 in ABA/900/2025.

Ms. Supriya Kak, A.P.P for the State.

Mr.V. K. Bidkar, A.P.I., Kondhwa Police Station, Pune present.

CORAM : RAJESH S. PATIL, J.

DATE : 5th MAY, 2025

P.C. :-

Anticipatory Bail Application No. 900 of 2025 is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha

Sanhita, 2023 in connection with Crime No. 187/2025 dated 28th February, 2025 registered with Kondhwa Police Station, Pune for the offences punishable under Sections 25, 4 of the Arms Act, 1959, Sections 135, 37(1) and 37(3) of the Maharashtra Police Act, 1951, Sections 118(1), 118(2), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023. Based on the complaint, an FIR has been lodged. The role of the present applicants is mentioned in the said FIR.

2. Anticipatory Bail Application No. 1004 of 2025 is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 188/2025 dated 28th February, 2025 registered with Kondhwa Police Station, Pune for the offences punishable under Sections 118(2), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023. As per the cross complaint filed in the FIR, the role of the present applicants is mentioned in the said FIR.

3. The applicants in both the anticipatory bail applications are cousins. The applicant nos. 1 and 2 in ABA/1004/2025 are cousins. The applicant no.1 is the father of the applicant nos. 2 and 3 in ABA/900/2025.

4. There were disputes between the cousins with regard to

fetching water from a well. On the day of the incident, both the parties physically assaulted each other, pursuant to which there were injuries. The applicant nos. 1 and 2 in ABA/900/2025 suffered stitches on their head and face and multiple abrasions were on their hands and legs. There was also fracture to the applicant no.1.

5. Similarly applicant no.1 in ABA/1004/2025 suffered stitches.

6. Both the applicants have been discharged from the hospital. There is no antecedent as far as the applicants are concerned, except Mr.Salman Altaf Kazi who has one antecedent recorded against him. It basically appears to be the dispute between the family members where there is an assault committed against each other. Both of them lodged FIR against each other. Based on the FIR, they had moved an anticipatory bail applications in the Court of Sessions and the same were rejected.

7. Going through the contents of the FIR and after hearing the parties, where there is no criminal antecedent, this is a matter of cross FIR, parties being closely related to each other, as of today, the custody of the present applicants would not be necessary. Hence, both the pre-arrest applications are hereby allowed. Hence, the following order :-

ORDER

(a) **The anticipatory bail applications are allowed.**

(b) In the event of arrest in Anticipatory Bail Application No. 900 of 2025 in connection with 187/2025 dated 28th February, 2025 registered with Kondhwa Police Station, Pune for the offences punishable under Sections 25, 4 of the Arms Act, 1959, Sections 135, 37(1) and 37(3) of the Maharashtra Police Act, 1951, Sections 118(1), 118(2), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicants shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- each with one or more sureties of the like amount.

(c) In the event of arrest in Anticipatory Bail Application No. 1004 of 2025 in connection with Crime No. 188/2025 dated 28th February, 2025 registered with Kondhwa Police Station, Pune for the offences punishable under Sections 118(2), 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicants shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- with one or more sureties of the like amount.

(d) The applicants in ABA/900/2025 shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station on 9th May 2025 and 10th May 2025 between 11:00 a.m. to 1:00 p.m. and thereafter on every Thursday till filing of the charge-sheet.

(e) The applicants in ABA/1004/2025 shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station on 13th May 2025 and 14th May 2025 between 11:00 a.m. to 1:00 p.m. and thereafter on every Thursday till filing of the charge-sheet.

(f) The applicants should not directly or indirectly contact the first informant in any form whatsoever.

(g) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and further, the applicants shall not tamper with the evidence in any manner whatsoever.

(h) The applicants shall furnish details of their residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

8. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application, and that the trial Court shall proceed further, without being influenced by the observations made in this order.

9. **Both the anticipatory bail applications are disposed of.**

[RAJESH S. PATIL, J.]