

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1624 OF 2015

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. A.H. Ponda i/b Ashish Raghuvanshi for applicant.
Ms. S.S. Kaushik, APP for State.
Mr. B.S. Shinde, PSI, Sakinaka Police station present.

CORAM : A.S. GADKARI, J.
DATE : 24th November 2015

P.C.:

The applicants are seeking pre-arrest bail in C.R. No.554 of 2015 registered with Sakinaka Police Station, Mumbai under Section 326 read with Section 34 of the Indian Penal Code.

At the outset the learned Counsel for the applicants, on instructions, seeks leave to withdraw the present application with respect to applicant no.1- Shamsuzoha Mohd. Mustakeem Khan. He submits that the applicant will surrender to the Invesetigting Officer within a period of two days from today. His statement is accepted.

Leave as prayed for is granted. The application is

dismissed as withdrawn qua applicant no.1-Shamsuzoha Mohd. Mustakeem Khan.

As far as the applicant no.2-Noor Mohd. Mustakeem Khan is concerned, only role attributed to him in the present crime is that after the accused No.1-Irshad and applicant No-1 herein assaulted the victim, the applicant no.2 Noorul Mohd. Mustakeem Khan threatened the crowd with a view to disperse it.

After taking into consideration the role attributed to the present applicant no.2, according to me, it is not necessary to have his custodial interrogation by the police. In view of the above, the interim protection granted to the applicant no.2 Noor Mohd. Mustakeem Khan by order dated 27.10.2015 is hereby confirmed.

It is made clear that the applicant no.2 shall attend the police station for the purpose of investigation as and when required between 10.00 a.m. to 2.00 p.m.

The application is partly allowed in the aforesaid terms.

(A.S. GADKARI, J.)