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

ANTICIPATORY BAIL APPLICATION NO. 502 OF 2017

Anwar Ali Mohammed Jalil Khan	.. Applicant
Vs.	
The State of Maharashtra & Anr.	.. Respondents

Mr. A. P. Mundargi, Sr. Advocate a/w. Mr. Abhishek Kulkarni i/b Mr. Rajiv Jadhav for the Applicant.
Ms. Veera Shinde, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 19th APRIL, 2017.

P. C. :

1. The applicant is apprehending arrest in C. R. No. 48 of 2017 registered with MIDC Police Station, Mumbai under Sections 302, 307, 326, 324, 342, 147, 148, 149, 506(2), 120(B) of the Indian Penal Code.
2. The First Information Report is lodged by Shri Abdul Mohasin Shaikh, the injured witness, inter alia, alleging that on 03.02.2017 four named accused persons in the FIR along with two unknown persons assaulted him, Mr. Samsuddin Doha Sajjad Husain Shah and Mr. Vasiullah Shaikh. That in the said assault the first informant and Samsuddin received serious injuries. Mr. Vasiullah expired while taking treatment at hospital. In the premise, the FIR is lodged.
3. I have perused the record of investigation. The record reveals that neither the name of the applicant nor any role is attributed to the applicant in the FIR. The record of investigation further reveals that in the

supplementary statement dated 14.02.2017 the first informant has stated that the applicant who is known as Pattusheth is the owner of the shop/gala where the injured persons were assaulted and at the time of commission of offence, the applicant was standing 30 feet away in a corner. In the supplementary statement of injured witness Samsuddin Sajjad Husain Shah, he has also stated in similar manner. Prima facie, it appears that the said injured witness namely, first informant, Abdul Mohsin Shaikh and Samsuddin Sajjad Husain have belatedly named the applicant as one of the participant in the present crime though they were knowing him as a person from their native place at village Shivharva Tiwari, District Siddharth Nagar, State of Uttar Pradesh. In the supplementary statement they have also stated that the applicant had called him for the dinner on the date of incident and, prima facie, it appears that this vital facts were not mentioned by the witnesses in the FIR and/or their first statement before the police. In view of the above, the applicant has made out a case for his grant of pre-arrest bail.

4. Hence, the following order:

- (i) In the event of arrest of the applicant in C. R. No. 48 of 2017 registered with MIDC Police Station, Mumbai, the applicant shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- (ii) The applicant is directed to attend the Investigating Officer as

and when called for between 11.00 a.m. to 3.00 p.m. till the submission of the final report or the charge-sheet.

(iii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The applicant is allowed in the above terms.

[A. S. GADKARI, J.]