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

ANTICIPATORY BAIL APPLICATION NO.485 OF 2018

Mohd Ayaan Gulame Mustafa Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.R.V.Gupta, for the Applicant

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

API – Kishor Pawar, Dharavi Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th MARCH, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.493 of 2017 registered with the Dharavi Police Station, Mumbai, for the alleged offences punishable under Sections 307, 326, 143, 144, 147, 148, 149, 34 of the Indian Penal Code and under Sections 37(1)(A), 135 of the Maharashtra Police Act .

3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the aforesaid case. He submitted that the applicant was not present at the spot when the alleged incident dated 11th November, 2017, took place. He submitted that neither the complainant-Rajesh Shetty nor Abdul Karim Shaikh and Abdul Jafir Ansari (injured) have named the applicant, as being one of the assailants. He submitted that although Mohammad Munna Shaikh has mentioned the name of the applicant, no overt act has been attributed to him. He submitted that infact Abdul Karim Shaikh and Abdul Jafir Ansari, knew the applicant and as such if the applicant was one of the assailants, they would have definitely disclosed his name. He submitted that infact both Abdul Karim Shaikh and Abdul Jafir Ansari had written a letter to the Deputy Commissioner of Police, Zone – V, Worli, Mumbai, that the applicant was not present at the spot.

4. Learned APP opposed the application.

5. Perused the papers. Admittedly, the applicant was known to

the injured Abdul Karim Shaikh and Abdul Jafir Ansari, however, neither of these two injured have disclosed the name of the applicant. As far as the complainant-Rajesh is concerned, he has not disclosed the name of the applicant and Mohammad Munna Shaikh has not attributed any overt act to the applicant.

6. Considering the nature of allegations, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 21st March 2018, 22nd March, 2018 and 23rd March, 2018, between 10.00 a.m. to 12.00 noon, and thereafter as and when called, for a period of 2 months;
- (iii) The applicant shall not contact the complainant, witnesses or

any person concerned with the case.

(iv) The Applicant shall co-operate with the Investigating Agency.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)