

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 527 OF 2018**

Khajabi Salim Sayyad & Anr.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Mr. Rushikesh Kale for the Applicants.

Mr. A.A. Takalkar APP, for the Respondent-State.

Mr. Sajid Qureshi for the Original Complainant.

Mr. Haraskar, Head Constable, Ambernath Police Station present.

CORAM : A. S. GADKARI, J.

DATE : 13th JUNE, 2018.

P.C.:-

By an order dated 19th March 2018, the Applicants was granted interim relief.

2 Heard the learned counsel appearing for the Applicants, the learned counsel for the first informant and the learned APP. Perused the record of investigation.

3 In furtherance of oral directions given by this Court, the learned APP has personally verified the CC TV footage of the scene of offence dated 24th January, 2018. The learned APP fairly submitted that no overt act is seen to have been played by the Applicants herein

in the present crime. That, in fact it is seen that the Applicants are trying to reach to the deceased. However, they could not reach in the melee. Thus, *prima facie* except the Applicants presence at the scene of offence, no overt act can be contributed by them.

4 In view thereof, the Applicants are entitled to be protected by pre arrest bail.

5 Interim relief granted by 19th March, 2018 is hereby confirmed. However, the condition to attend the Investigation Officer of the concerned police station is waived.

6 Application is accordingly allowed.

(A.S. GADKARI, J.)