

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 448 OF 2019

Mehmood Alam Nizamuddin .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. S. R. Gaud i/b. Mr. Amit A. Nalavade, Advocate, for the Applicant
Mr. P. H. Gaikwad-Patil, APP, for the Respondent No. 1 – State
Mr. Rohan Surve, Advocate, for the Respondent No. 2
Mr. J. A. Shaikh, API, Bhiwandi Police Station, Thane present

CORAM : REVATI MOHITE DERE, J.

DATE : 05.08.2019

P.C.

. Heard learned counsel for the Applicant.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. II-72 of 2018 registered with the Bhiwandi Sahar City Police Station, Thane, for the alleged offences punishable under Sections 307, 115, 120-B and 34 of the Indian Penal Code, under Sections 3 and 25 of the Arms Act as well as under Sections 37(1) and 135 of the Maharashtra Police Act.

3. Learned counsel for the applicant submits that the applicant

is falsely implicated in the said case. He submits that there is no iota of material pointing to the complicity of the applicant in the aforesaid crime. He submits that two co-accused Sajid and Danish were suspiciously moving around on a motorcycle, pursuant to which, they were arrested by the complainant. He submits that Sajid and Danish, in their interrogation, allegedly disclosed the name of the applicant's son and that the applicant's son had given contract to them to kill one Mohd. Khalid Shaikh @ Guddu. He submits that it appears that neither Sajid nor Danish have disclosed the name of the applicant.

4. Learned APP states that pursuant to the interim order dated 13.06.2019 directing the Applicant to report to the investigating officer of the concerned police station, the Applicant has attended as directed.

5. At this stage, prima facie, there is no material to connect the Applicant with the alleged offences, hence his custodial interrogation is not warranted. Accordingly, the interim order stands confirmed on the following terms & conditions :-

ORDER

(i) In the event of 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 not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

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

(REVATI MOHITE DERE, J.)