

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 596 OF 2019**

Mohd. Arif Muzammil Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. S. R. Samel I/b Mr. Rajeev Sawant & Associates for the Applicant

Mr. V. V. Gangurde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 29th JULY 2019

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. 511 of 2018 registered with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 307, 326, 324, 323, 143, 144, 145, 147, 148, 149, 427, 452, 504, 506 of the Indian Penal Code and under Sections 4, 25 of the Indian Arms Act.

3 Learned counsel for the applicant submits that identically placed co-accused have been granted pre-arrest bail by this Court

(Coram : A. S. Gadkari, J.) vide order dated 15th April 2019 passed in Anticipatory Bail Application No. 881 of 2019.

4 Perused the papers. Admittedly, the applicant's name is not disclosed in the FIR. The applicant's name has emerged in the supplementary statement of the complainant. *Prima facie*, it appears from the record that except for the fact that the applicant was present at the spot and was a member of the alleged unlawful assembly, there is no overt act attributed to the applicant. Investigation is complete and charge-sheet is filed.

5 In view of the peculiar facts and circumstances and having regard to the fact that identically placed co-accused have been granted pre-arrest bail, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and 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 local sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 6th and 7th August 2019 from 10:00 a.m. to 12:00 noon;

(iii) The applicant shall not tamper with the evidence or attempt to contact or influence the complainant, witnesses or any person concerned with the case.

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

7 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.