

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 881 OF 2019

Mehraj Ahmed Shamun Khan & Ors.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

Mr.Siddhesh Samel i/b. Rajeev Sawant and Associates for Applicant.
Mr.Amit Palkar, A.P.P. for Respondent-State.
Ms.Aditi Naikare i/b. Mr.V. Thorat for Intervenor.

CORAM : A.S. GADKARI, J.

DATE : 15th April 2019.

P.C. :

1] The applicants are apprehending arrest in connection with C.R. No.I-511 of 2018 dated 12/11/2018 registered with Oshiwara Police Station, Mumbai, for the offence punishable under Section 307, 326, 324, 323, 143, 144, 145, 147, 148, 149, 452, 427, 504, 506 of the Indian Penal Code and Section 4, 25 of the Indian Arms Act.

2] Heard the learned counsel for the applicants, the learned counsel for the intervenor and the learned APP for the State. Perused the record of investigation.

3] The record indicates that the names of the applicants are silent in the first information report. The names and role played by the applicants have emerged on record in the supplementary statement of the informant.

Prima-facie, it appears from the record that, except the fact that, the applicants were present at the scene of the offence being members of alleged unlawful assembly, there is no overt act attributed to the applicants. The police have already completed investigation and have submitted chargesheet.

4] In view of the peculiar facts and circumstances of the present case, this Court is of the opinion that the custodial interrogation of the applicants for further investigation of the present crime is not necessary and the applicants can be protected by pre-arrest bail.

Hence, the following order :-

- (i) In the event of arrest in C.R. No.I-511 of 2018 dated 12/11/2018 registered with Oshiwara Police Station, Mumbai, the applicants shall be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each, with one or two separate solvent local sureties in the like amount.

- (ii) Applicants shall not tamper with the evidence and/or interfere with the process of investigation.
- (iii) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]