

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1236 OF 2019

1. Sarfaraz Amjad Khan .Applicants
2. Adil alias Baba Taj Khan
3. Adil Talha Mukhi

Vs.

The State of Maharashtra .Respondent

Ms Sushma T. Mishra, Advocate, for the Applicants
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C. R. No. 296 of 2019 registered with the Kashimira Police Station, for the alleged offences punishable under Sections 143, 147, 148, 324, 504 & 506 of the Indian Penal Code.

3. In view of the specific assertion made by the learned

counsel for the Applicants that the Applicants arrived at the spot after the assault and that there was a CCTV footage to that effect, the learned APP was directed to take instructions and the investigating officer was asked to verify the CCTV footage. Today, the learned APP on the instructions of the investigating officer categorically states that the Applicants were present at the spot at the time of the assault. Learned APP makes a statement on the instructions of the investigating officer who has verified the CCTV footage. Learned APP states that the Applicant No. 1 was armed with a wooden log and was seen assaulting one of the injured and the Applicant No. 3 was armed with a wooden stick, is also seen in the CCTV footage. As far as the Applicant No. 2 is concerned, no overt act has been attributed to the Applicant No. 2. He is stated to be only present at the spot. The Injury Certificate of Moni Ansari shows that she has received two grievous injuries; the injury Certificate of Juned Ibrahim shows that he has suffered one grievous injury; and the Injury Certificate of Fehed Abdulla Ibrahim shows that he has sustained two grievous injuries. Learned APP makes a statement on instructions that at this stage, the CCTV footage will be made part of the charge-sheet.

Statement accepted.

4. Considering the aforesaid, as far as Applicant Nos. 1 & 3 are concerned, no case is made out for grant of pre-arrest bail to them, however, having regard to Applicant No. 2's role, the Applicant No. 2 is granted pre-arrest bail on the following terms & conditions :-

ORDER

- (i) In the event of arrest, the Applicant No. 2 - Adil alias Baba Taj Khan be enlarged on bail, on executing PR Bond in the sum of **Rs. 15,000/-** with one or two sureties in the like amount;
- (ii) The Applicant No. 2 shall report to the investigating officer of the concerned Police Station on **19th & 20th June, 2019** between **10.00 a. m. and 1.00 p. m.** and thereafter, as and when called for by the investigating officer;
- (iii) The Applicant No. 2 shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall co-operate with the investigation.

5. 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.)