

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1673 OF 2019**

Furkhan Khurshid Ali Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1614 OF 2019**

Saddam Anwar Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Smit Nagda I/b Mr. Pankaj Pandey for the Applicant in
ABA/1673/2019

Mr. Sagar S. Tambe for the Applicant in ABA/1614/2019

Mr. V. V. Gangurde, A.P.P for the Respondent-State in ABA/1673/2019

Mr. P. H. Gaikwad-Patil, A.P.P for the Respondent-State in ABA/1614/2019

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 22nd AUGUST 2019

P.C.

1 Heard learned counsel for the parties.

2 By these applications, the applicants seek pre-arrest bail in
connection with C.R. No. 129 of 2019 registered with the Chitalsar Police

Station, Thane, for the alleged offences punishable under Sections 143, 144, 146, 147, 148, 149, 504, 506 (2) of the Indian Penal Code; under Sections 37(1), 135 of the Maharashtra Police Act and under Section 3(25) of the Arms Act.

3 Learned counsel for the applicants submit that in the incident which took place on 23rd June 2019, allegedly at 1:00 p.m., no one was assaulted, nor has any one sustained any injuries. It is alleged by the complainant that the present applicants along with other co-accused came with sticks and formed an unlawful assembly. Co-accused-Siddhu Abhange is alleged to have shown a pistol. The allegation as against the applicants is that they were present at the spot, armed with sticks. It appears that nobody has sustained any injury nor anybody was assaulted in the said incident. Learned counsel for the applicants submit that admittedly no overt act has been attributed to the applicants.

4 Learned A.P.P states that the applicants have reported to the Investigating Officer as directed by this Court, pursuant to the interim orders dated 30th July 2019 and 23rd July 2019, respectively.

5 Perused the papers. The incident is alleged to have taken place on 23rd June 2019 at about 1:00 p.m. It is alleged by the prosecution that the applicants, along with other co-accused came to the spot, armed with weapons and formed an unlawful assembly, with the intention of assaulting the complainant and his associate. It is pertinent to note that the applicants are alleged to have been armed with sticks. Admittedly, nobody has sustained any injury in the said incident, nor was anybody assaulted. Similarly, no overt act has been attributed to the applicants.

6 Considering the same, the interim orders dated 30th July 2019 and 23rd July 2019 stand confirmed on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;

- (ii) The applicants shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.

7 The applications are disposed of on the aforesaid terms.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding these applications.

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

REVATI MOHITE DERE, J.