

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.370 OF 2021

Shafiq s/o. Rafiq Shaikh (Dawood Parking)

Applicant

versus

The State of Maharashtra

Respondent

Ms.Jyoti R. Sahu for applicant.

Mr.A.R.Kapadnis, APP, for State.

Mr.Navnath Kale, API, Shivaji Nagar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th March 2021

PC :

1. This is an application for anticipatory bail in CR No.78 of 2020 registered with Shivaji Nagar Police Station for offences under Sections 141, 144, 147, 148, 149, 336, 323, 341, 354, 452, 427, 397, 506(ii) of Indian Penal Code along with Sections 4, 25, 27 of Arms Act and Sections 37, 137 of Motor Vehicle Act. The FIR was lodged on 21st February 2020.

2. According to the complainant, he was knowing Hakim Shaikh and Shadab Qureshi. Hakim had given Rs.1.50 lakh to Shadab Qureshi through first informant. Shadab Qureshi did not return the amount. Hakim Shaikh was constantly demanding money from first informant. He was told to recover the money from Shadab Qureshi. Hakim Shaikh was threatening the complainant. Under the threats, amount of Rs.96,000/- was given to Hakim Shaikh. On 20th February 2020 Hakim and his associates came to the house of informant and

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demanded money. There was altercation between them. NC complaint was lodged with Police Station. On the same day, at about 10.30 pm, Hakim Shaikh and others entered into the house of first informant with weapons. They caused damage to the property and started shouting. One of them snatched gold chain of the complainant's sister. Hakim assaulted another sister of complainant. The accused created disturbance. They abused the shop keepers. Several other associates of the aforesaid accused including the applicant, were armed with weapons and all of them created terror.

3. Learned advocate for applicant submitted that no specific overt act has been attributed to the applicant. The allegations are of general nature. Ten persons were arrested and they have been granted regular bail. One of the accused has been granted anticipatory bail by this Court vide order dated 29th October 2020.

4. Learned APP submitted that several persons had gathered at the instance of main accused. They were armed with weapons. They created terror. They also caused damage and monetary loss. The CCTV footage shows presence of the accused including applicant.

5. On perusal of the FIR it is apparent that no specific overt act has been attributed to the applicant. He is not amongst the accused who had entered into house of the complainant and threatened him. It is submitted that the CCTV footage does not attribute any specific overt act to the applicant although presence of the applicant has been shown. There are no criminal antecedents against applicant. In the circumstances, the applicant need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 17th February 2021 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.78 of 2020 registered with Shivaji Nagar Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) The applicant shall report Shivaji Nagar Police Station as and when called for till filing of charge sheet;
- (v) The applicant shall not tamper with evidence.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST