

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

ANTICIPATORY BAIL APPLICATION NO. 1138 OF 2021

Sadik Abdul Jabbar Bamboat

... Applicant

Versus

The State of Maharashtra

... Respondent

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Mr. Advait Uday Shukla, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

IO API Valvi, Mahim Police Station and Pairavi PSI Chavan,
Mahim Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATED : MAY 03rd, 2021.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.135 of 2021, registered with Mahim Police Station, Mumbai, for the offences punishable under Sections 323, 324, 506(II), 143, 144, 147, 148, 149, 188, 269 and 271 of Indian Penal Code (“IPC”, for short).

2 First Information Report (“FIR”, for short) was lodged by Salman Salim Khan. It was alleged that on 5th April, 2021, the complainant received a call from Amin. He charged applicant for committing theft of cellphone of one Maaz. The complainant

denied the charge. He was told to come at Bandra pipeline. He refused to do so. There was quarrel between them. On 6th April, 2021 at about 11:45 p.m., Amin called on the cellphone of the mother of the complainant and spoke to the complainant. He was told to come near Dargha. Complainant visited the place. Mujib Mithaiwala, Amin, Sadik (applicant), Rihan and others were present. Complainant was abused and assaulted. One of the accused was holding wooden log, which was used in assaulting the complainant. Accused Bilal was having battery operated machine, by which electric current was given to complainant.. He was assaulted. Sadik (applicant) assaulted him by wooden log. Mujib assaulted by iron rod. He was made to bend by touching his feet. Piece of tile was kept on his back. Amin and Bilal video recorded the said incident. Mujib threatened him that if the tile kept on his back falls down, he would be murdered. Due to fear no one came forward to help him. After some time the tile kept on his back was fell down. He was assaulted. He was again made to bend and two tiles were kept on his back. He was assaulted till 3:30 a.m. Thereafter, he was allowed to go. On the next day morning, the brother of complainant informed him that video of his assault has been uploaded on Instagram and why he did not inform about the incident, he would have made a complaint

against the accused. Thereafter, FIR was lodged on 7th April, 2021.

3 Learned advocate for the applicant submitted that the applicant has been falsely implicated in this case. No overtact has been attributed to the applicant. The video recording does not show the presence of the applicant. All the offences are bailable in nature except offence under Section 506 (II) of IPC. The role of issuing threats amounting to the offence under Section 506(II) of IPC, has been attributed to the co-accused, who was arrested and granted bail. Applicant is a journalist. He is willing to cooperate with the investigation. There is delay in lodging the FIR.

4 Learned APP submitted that the video recording shows the involvement of the applicant. The incident is of serious nature. Complainant was assaulted. He was subjected to cruel way of harassment, assault, abuses and threat. Investigation is in progress. One more case was registered against the applicant in past vide C.R.No.288 of 2020 with Mahim Police Station, Mumbai, for the offences punishable under Sections 141, 143, 149, 323, 324, 504, 188 and other offences of IPC.

5 I have perused the FIR. The complainant has narrated the incident in detail. Role has been attributed to the applicant. The manner in which the complainant is assaulted reflects the conduct of the accused. The incident was video recorded and the same was uploaded on Instagram. It was made viral. Threat cannot be segregated to co-accused. Applicant was party to the offences. Considering the nature of offence, no case is made for anticipatory bail. Hence, Anticipatory Bail Application No.1138 of 2021, stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)