

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

ANTICIPATORY BAIL APPLICATION NO.1123 OF 2019

Mazhar Abbas Rizvi	...Applicant
Versus	
The State of Maharashtra	...Respondent

None for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent–State

PSI Mr. Ghadge N. K. from Mahim Police Station is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 4th AUGUST 2021

P.C. :

1 None for the applicant.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 79 of 2018 registered with the Mahim Police Station, Mumbai, for the alleged offences punishable under Sections 353, 504 r/w 34 of the Indian Penal Code and under Section 184 of the Motor Vehicles Act.

3 Vide order dated 17th May 2019, this Court (Coram : N. J. Jamadar, J.) granted interim protection to the applicant on certain terms and conditions. It appears that the incident is alleged to have taken place on 15th February 2019 at about 12:15/12:20 p.m. It is alleged by the prosecution that on the said date and time, vehicles coming towards Paradise Cinema were stopped at the signal. It is alleged that the applicant and another person-Hyder Ali Shaikh were going towards Kapad Bazar on a motorcycle in a high speed and when the complainant/first informant asked them to stop their motorcycle, the applicant and Hyder Ali Shaikh used filthy language and pushed the complainant. It is alleged by the complainant that the applicant and Hyder Ali Shaikh obstructed the complainant in discharging his duty as a traffic police.

4 This Court, whilst granting interim protection observed that the genesis of the incident appears to be road-rage and after considering the nature and gravity of the offence, granted the interim protection.

5 Learned A.P.P states that the charge-sheet has been filed in the said case.

6 Considering the aforesaid, custodial interrogation of the applicant is not warranted. Accordingly, the interim relief granted by this Court vide order dated 17th May 2019 stands confirmed on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.
- (iii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate in the conduct of the trial.

7 The application is accordingly disposed of.

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

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

REVATI MOHITE DERE, J.