

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

ANTICIPATORY BAIL APPLICATION NO.1794 OF 2021

Shahzad Rauf Khan Applicant
Versus
The State of Maharashtra Respondent

Ms. Nanda Singh, Advocate for the Applicant.
Smt. Anamika Malhotra, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL, J.
DATE : 3rd AUGUST, 2021**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.347/2021 registered at Powai Police Station, Mumbai on 8.6.2021 under sections 353, 336 read with 34 of the Indian Penal Code.

2. Heard Smt Nanda Singh, learned counsel for the applicant and Smt Anamika Malhotra, learned APP for the State.

3. The FIR is lodged by the Police Constable Ajay Bandkar on 8.6.2021. He has stated that in the night between 7th & 8th June, 2021, the informant and his team were on the patrolling duty within the jurisdiction of Powai police

station. At about 2:20 a.m. they saw four persons consuming something at the road side. The informant was knowing two of them as Rahul & Ismail. He was not knowing other two. As the informant's vehicle approached them, those four persons ran away in a nearby lane. When the informant's vehicle again returned at around 2:30 a.m. on the same spot, he saw that Rahul and Ismail were standing at some distance having stones. They pelted stones on the informant's vehicle. The informant's vehicle was taken at some distance and more officers were called for help. After that they went to the spot. They saw a house with CCTV camera. The police went to that house and asked the inmates to come out. One Sameer Sayyed came out. He was asked to show the CCTV footage. It was seen. Sameer Sayyed told the names of those accused as Rahul, Ismail, Shivkumar and the present applicant. The police tried to search for them, but, they were not found. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that other three accused are arrested and are released on bail. She

submitted that the applicant has not played any role. In fact he ran away after he was told to disperse. Therefore, his custodial interrogation is not necessary.

5. Learned APP opposed this application. She submitted that the applicant already had an antecedent and even then he has committed this offence. She submitted that the applicant is also seen in the CCTV footage and there was a stone in his hand.

6. I have considered these submissions. The FIR describes the roles of the main accused Rahul and Ismail. The FIR itself mentions that these two persons had pelted stones on the informant's vehicle. No further role is attributed to other two accused including the present applicant.

7. At the first instance, all the accused had dispersed from the road when they were told to do so. Therefore, the applicant's role appears to be very minor though he is seen in the CCTV footage holding stone in his hand. There is nothing to show that the applicant had obstructed any of the Public Servants.

8. In this view of the matter, custodial interrogation of the applicant is not necessary. However, considering his antecedent, he is directed to attend the concerned police station.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.347/2021 registered at Powai Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station once a fortnight for a period of one year from today. In addition, the applicant shall attend the concerned police station as and when called.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2021.08.04
15:30:19
+0530

(SARANG V. KOTWAL, J.)

Deshmane (PS)