

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 61 OF 2022

Jaffer @ Arbaz Zakir Sayyed Applicant
Versus
The State of Maharashtra Respondent

Mr.Amin Solkar for the Applicant.

Ms. Sharmila S. Kaushik, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 9th FEBRUARY, 2022

(Through Video Conferencing)

P.C. :

1. Leave to amend. The amendment be carried out forthwith.
2. The Applicant is seeking anticipatory bail in connection with C.R. No.74 of 2021 dated 29th March, 2021 registered at Hill Line Police Station, Ulhasnagar, under Sections 353, 143, 147, 148, 188 of the Indian Penal Code and under Sections 37(3), 135 of Maharashtra Police Act.
3. The FIR was lodged on 29th March, 2021. The FIR mentions that the incident had taken place on 28th March, 2021 at 7.30 pm. The allegations in the FIR are that there was tension between two groups of different religions. The allegations are that from one of

the groups, there was some aggressive approach towards the other group and the police. On this basis the FIR was lodged. The FIR mentions that there are more than 30 person from this group who had committed this offence.

4. Learned counsel for the Applicant states the Applicant's name is not reflected in the FIR. The chargesheet was filed against the other accused. In some of the statements in the chargesheet, there is mention of the applicant's name. No specific role is attributed to him.

5. Learned APP relied on the statement of Police Constable Sandip Gomase. The CCTV footage shows that the Applicant was seen in that group.

6. I have considered these submissions. The FIR does not name the Applicant. The statement of Police Constable Sandip Gomase gives names of 18 people in which the Applicant's name was mentioned. However, no specific role is attributed to the present Applicant. The same was the case with CCTV footage panchanama.

7. In this view of the matter, since the Applicant is not attributed any specific role, and since the incident is old, the Applicant's custodial interrogation will not serve any purpose, the Applicant can be protected by an order of anticipatory bail.

8. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R. No. 74 of 2021 registered with Hill Line Police Station, Ulhasnagar, 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 every fortnight for a period of six months and shall co-operate with investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)