

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

ANTICIPATORY BAIL APPLICATION NO.681 OF 2022

Zuber Zulfikar Qureshi

...Applicant

Versus

The State of Maharashtra and Ors.

...Respondents

....

Mr. Niranjan Mundargi i/b. Mr. Prasanna Bhangale for the Applicant.

Ms Sharmila S. Kaushik, APP for Respondent-State.

Mr. Ibrahim Shaikh for Respondent No.3.

Mr. Narayan Ghadge, PSI, Mahim Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th MARCH, 2022.

P.C.:-

1. This is an application under Section 438 of the Cr.PC. filed by the Applicant apprehending his arrest in C.R. No.430 of 2021 registered with Mahim Police Station, for offences punishable under Sections 120 B, 500, 501, 505(2) and 506 r/w. 34 of the IPC.

2. Heard Mr. Niranjan Mundargi, learned counsel for the Applicant, Ms Sharmila Kaushik, learned APP for the Respondent -State and Mr. Ibrahim Shaikh, learned counsel for Respondent No.3. Perused the records and considered the submissions advanced by the learned

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counsel for the respective parties.

3. By order dated 14/03/2022 this Court had granted interim bail with directions to the Applicant to report to the investigating officer. Learned APP states that the Applicant has reported to the investigating officer and that he has been duly interrogated. While granting the interim bail this Court had taken into consideration the fact that there was considerable delay in registering the FIR. Furthermore, it was held that the conversation between the Applicant and co-accused Salim prima facie was not with an intention to create or promote enmity between different classes of communities and that the Applicant was not prima facie involved in making the said conversation viral.

4. Mr. Mundargi, learned counsel for the Applicant states that the Applicant shall not make any provocative speech or defamatory speech against Respondent Nos 2 and 3.

5. In the light of the said statement and in view of the reasons stated in the interim bail order dated 14/03/2022 the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No. 430 of 2021 registered with Mahim Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the Investigating Officer as and when required by the investigating officer.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)