

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1856 of 2022

Anwar Iqbal Khan .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mrs.Anjali Awasthi for the applicant.
Mr.H.J.Dedhia, APP for the State.
Mr.Vivek Shukla for the complainant.
PSI S.D. Patil from Shivaji Nagar police station.

CORAM: BHARATI DANGRE, J.
DATED : 11th OCTOBER, 2022

P.C:-

1 The complainant has filed his affidavit on 8/4/2022
where he makes a specific statement as under :-

“2 I say that I had informed the police officers of Shivaji Nagar Police Station that inadvertently, the names of Anwar and Nilesh is reflecting in the FIR. Pursuant to the information, the police officers of Shivaji Nagar Police Station had informed me that the names of Accused mentioned above have been removed and they are exonerated from this case. Hence, I was under the impression that Nilesh and Anwar are no more accused in the present case.

3. I say that on 20.1.2022 I learnt from my friends in my locality that the Bail Application of Anwar came to be rejected by this Hon'ble Court I was shocked to know this as I was informed by the police officers of Shivaj Nagar police station that Anwar's name has been removed from this case along with Accused Nilesh. But on 20.1.2022, I learnt that only Nilesh was exonerate from the case by the police authorities"

2 The learned APP was asked to take instructions. He makes a categorical statement that Nilesh has not been arraigned as accused, but when confronted with the statement made by the complainant in paragraph no.3, the response is that this is a pressure tactic applied by the applicant.

3 I am not agreeable to the said opinion of the learned APP as the complainant is represented by a counsel who has specific instructions to make a statement that he had disclosed that the name of Anwar and Nilesh both should be removed and he was under the impression that even the present applicant is not charge-sheeted. In any case, the complainant do not want to support the case of the prosecution against the applicant, there is no gain-say in keeping him incarcerated.

Ultimately, it will depend upon what stand the complainant take during the trial as against the present applicant. However, it should not happen that at the end of the trial, he maintain his stand that the applicant was not involved but the

applicant remain unnecessarily incarcerated till the trial is conducted.

4 In the wake of the above, since no antecedents are attributed to the present applicant, nor the prosecution express any flight risk, he deserve his release on bail. Hence, the following order :-

ORDER

- (a) The Applicant – Anwar Iqbal Khan in connection with C.R.No.702/2021 registered with Shivaji Nagar Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

The applicant shall be released on cash bail of Rs.25,000/- in lieu of sureties for a period of six weeks. During the said period, the applicant shall arrange for the sureties.

- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The Applicant shall attend the trial on regular basis.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)