

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

ANTICIPATORY BAIL APPLICATION NO. 2588 OF 2022

Avaz Aslam Qureshi	APPLICANT
V/S	
State Of Maharashtra	RESPONDENT

Mr. Shailesh Kharat i/by Rajesh V. Katore for Applicant
Mr. A. A. Palkar APP for respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATED : 29th September, 2022

P.C.:

1. Heard.
2. The applicant is seeking pre-arrest bail in crime no. 324 of 2021 registered with Khadaki police station for the offence punishable under sections 143, 144, 147, 149, 307, 394, 323 r/w. 34 of IPC and under section 25 of the Arms Act and under section 37(1), 135 of Maharashtra Police Act.
3. The case of the prosecution is the complainant - Biru was kidnapped, assaulted on head out of the old enmity.
4. The complainant appears to have known to three of the accused persons whereas the applicant is shown to be from amongst the unknown 3 persons.
5. The applicant is implicated as accused based on the statement of the other co-accused.

6. It appears that the complainant himself has moved before this Court in Criminal Writ Petition No. 6739 of 2021 for quashing of the offence against the present applicant.

7. But for the statement of the co-accused there is hardly any material on record to infer the involvement or complicity of the applicant in the offence in question.

8. In that view of the matter, a case for grant of protection is made out.

9. In the event of arrest of applicant in in crime no. 324 of 2021 registered with Khadaki police station for the offence punishable under sections 143, 144, 147, 149, 307, 394, 323 r/w. 34 of IPC and under section 25 of the Arms Act and under section 37(1) 135 of Maharashtra Police Act, applicant be released on bail on furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.

10. The applicant shall attend the Investigating Officer as and when directed.

11. The applicant shall neither tamper with evidence nor influence the witnesses in any way.

12. The application stands disposed of.

(NITIN W. SAMBRE, J.)