

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2880 OF 2022

Riyaz Kamruddin Khan @ Gani .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr. Gaurav Bhawnani i/b Mr. Zeeshan Khan for the Applicant.
Mr. Jigar Agrawal a/w Mr. Ajay Dubey for the intervenor.
Mr. H.J. Dehia, A.P.P. for the State/Respondent.
Mr. Vijay Mane, IO, Dharavi, Police Station.

CORAM: BHARATI DANGRE, J.
DATED : 17th OCTOBER, 2022

P.C:-

1. The applicant is apprehending his arrest in C.R. No. 884 of 2021 registered with Dharavi, Police Station which invoke sections 307, 326, 324, 452, 427, 380, 143, 144, 146, 147, 148, 149, 506 (2), 120 (B), 109 of IPC, along with sections 4, 25 of the Arms Act and sections 37(1)(a), 135 of Maharashtra Police Act, 1951.

On completion of investigation the charge-sheet has been filed against 7 accused persons, and 5 are shown as absconding, which include the present applicant. The charge-sheet filed against the co-accused is placed on record and, I had an opportunity to peruse the

same.

2. On its perusal, the case of the prosecution surface on record is to the effect that, the applicant accompanied by the co-accused being armed with weapons entered the office belonging to the first informant and his brother Amarjeet. Since it was alleged that, they were assaulted, offence under section 307 along with allied offences are invoked. The injury certificate is also compiled in the charge-sheet.

3. As far as the role attributed to the applicant is concerned, the learned APP specifically state that, he is seen in the CCTV footage but his presence is recorded outside the office. The prosecution do not allege that the applicant is one of the assailant.

In the wake of the above the learned APP make a statement that, the custodial interrogation of the applicant is not necessary, since the investigation is complete and in the charge-sheet filed, the role of applicant is clearly surfacing on record. He however state that, he shall report to the police station so that the investigation as against him shall be completed.

Hence the following order:

: **ORDER** :

- (a) Application is allowed.
- (b) In the event of arrest, Applicant -Riyaz Kamruddin Khan @ Gani shall be released on bail in connection with C.R.No.884 of 2021, registered with Dharavi Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall mark his attendance before the concerned police station on 20/10/2022 and 21/10/2022, between 3:00 p.m to 5:00 p.m., and thereafter as and when called.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(SMT. BHARATI DANGRE, J.)