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

ANTICIPATORY BAIL APPLICATION NO.3350 OF 2022

Mr. Atiqur Rahman Safdar Husain Khan and anr...Applicants
VS.

State of Maharashtra

..Respondent

Mr. Salman Khan, for applicant.
Mr.N.B. Patil, APP for respondent-State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 2, 2022

P.C. :

1. Heard learned counsel for the applicants and learned APP.

2. This is an application for pre-arrest bail. The applicants are apprehending arrest in connection with C.R. No. I-248 of 2022 registered with Nizampura Police Station for the offence punishable under sections 325, 504, 506 and 34 of the Indian Penal Code, 1860.

3. The first informant is Afi Shoeb Ansari. The date of the incident is 20/10/2022 as mentioned in the FIR which is registered on 21/10/2022. The informant narrated that two

accused namely Faisal Momin and Halim Ansari abused the first informant. Thereafter they assaulted him. In the course of the assault, they punched the informant in which the first informant's left side tooth broke also causing injury on his chin. Thereafter both accused pushed the first informant on the ground and started beating him mercilessly which injured informant's left leg and left hand. The FIR further records that the first informant was threatened that he will again be assaulted severely. The first informant was taken for treatment to Indira Gandhi Hospital at Bhiwandi. Later on, the first informant was shifted to Dhange Hospital. Faizal Momin and Halim Ansari-original accused nos. 1 and 2 were immediately arrested and have been released on bail. The applicants are arraigned as accused nos. 3 and 4 on the basis of supplementary statement of the informant recorded in the hospital on 25/10/2022. In the supplementary statement, the informant has stated that even applicants no. 1 and 2 – original accused nos. 3 and 4 assaulted the informant with a wooden log and fist blows. It is contended that the

applicant no. 1- Atiqur Rahman Safdar Husain Khan assaulted the informant with a wooden log whereas the applicant no. 2 – Habibur Rehaman Safdar Husain Khan assaulted the informant with fist and kick blows. The names of the applicants have been added in the supplementary statement which was recorded after 4 days of the FIR. In the initial version, the complainant has given description of the assault implicating the original accused nos. 1 and 2 only. Specific role was assigned to them. Though the injury the informant suffered is grievous in nature, in the present facts, the applicants deserve to be released on bail. There are no criminal antecedents reported against the applicants. Considering the delay in lodging the supplementary statement, a case for pre-arrest bail is made out. Hence, the following order.

ORDER

(a) In the event of arrest of the applicants in connection with C.R. No. I-248/2022 registered with Nizampura Police Station, City-Bhiwandi, District-Thane, the applicant no.1 - Atiqur Rahman Safdar Husain Khan and

applicant no. 2- Mr. Habibur Rehaman Safdar Husain Khan be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(b) The applicants 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 and should not tamper with evidence;

(c) The applicants shall not threaten the complainant.

(d) The applicants shall report to the Investigating Officer of the concerned Police Station on 05/12/2022, 06/12/2022 and 07/12/2022 between 11.00 a.m. and 1.00 p.m. and thereafter as and when required.

4. It will always be open for the prosecution to apply for cancellation of the bail if any of the conditions are flouted by the applicants.

5. The anticipatory bail application is disposed of.

(M. S. KARNIK, J.)