

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

ANTICIPATORY BAIL APPLICATION NO. 747 OF 2023

Nahid Shahzafar Ansari

Age : 33, Occupation : Lab Technician,

Residing at : 2164, Ansari Apartment,

4th Floor, Room No.403, Khandupada Road,

Near Tayyaba Masjid, Near Freed Arcade,

Shantinagar, Bhiwandi, Thane.

...Applicant

vs.

State of Maharashtra

[Through Shanti Nagar Police Station,

Thane]

...Respondent

Mr.Marmik Shah i/b. Mr.Kushal Mor – Advocate for Applicant.

Mr.H.J.Dedhia – APP for the Respondent-State.

Mr.Ghodake – PSI – Shanti Nagar Police Station – Bhivandi.

CORAM : S. M. MODAK, J.

DATE : 23rd MARCH, 2023

P. C. :-

1. This Court has heard learned Advocate for the Applicant and learned APP for the Respondent-State on merits.

2. It is submitted that the charge-sheet is filed against some of the

Accused persons. When learned Advocate for the Applicant made initial submission that some of them have been granted bail, a query is put to the learned APP that they are released on bail as per the order of which Court. After taking instructions from the officer Shri.Ghodake, present in the Court that they were granted bail by the Court of Additional Sessions Judge – Thane. It was also submitted that the father in law and another sister in law of the First-Informant are yet absconding. Hence, matter was kept back for taking instructions by learned Advocate for the Applicant.

3. After taking instructions, it is submitted that the Anticipatory Bail Application of the father in law and Regular Bail Application of sister in law, they are pending before the Court of Additional Sessions Judge. It is mentioned that earlier, the appropriate instructions were not given to the learned APP.

4. After hearing both the sides, it seems that there is only allegation of giving taunt by this Applicant to the First-Informant and hence, today this Court is inclined to grant an interim protection. This Court certainly can understand the difficulty faced by the learned APP in view of not remaining present by Investigating Officer. Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) In case of arrest in connection with C.R. No. 765 of 2022 registered with Shanti Nagar Police Station – Thane, the Applicant be released on furnishing Personal Bond and Surety Bond of Rs.25,000/-.
- (iii) The Applicant to give attendance to Shanti Nagar Police Station – Thane on Saturday from 10.00 to 12.00 noon until further orders.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.

5. It is made clear that the Court of Additional Sessions Judge to decide the matter as per the merits and need not be influenced by the observations made by this Court at a prima facie stage.

6. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]