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

ANTICIPATORY BAIL APPLICATION NO.887 OF 2023

Nauman Ejaz Mulla

...Applicant

vs.

State of Maharashtra

...Respondent

Ms. Anjali Patil for the Applicant.

Mr. A. R. Kapadnis APP for the Respondent-State.

Mr. Sanjay Kadam, PSI from Padgha police station present.

CORAM : S. M. MODAK, J.

DATED : 29TH MARCH 2023

P.C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. By this Application the Applicant is seeking anticipatory bail in connection with an offence bearing C.R. No.132 of 2016, registered at Padgha police station on 15th June 2016. One Mahesh Ragho Mali was assaulted, in all, by four persons. He was assaulted because he has assisted personnel belonging to the Forest

department for taking into custody some vehicle belonging to accused persons. The incident took place on 15th June 2016, at about 3 pm.

3. After arresting some of the accused persons, the police have also filed charge-sheet for the offences punishable under sections 307, 326, 324, 323, 504, 506, 336, 143, 147, 148 and 149 of IPC. The present Applicant is shown as one of absconding accused.

4. There are two submissions made on behalf of learned Advocate for the Applicant. One is that the Applicant is not named in the FIR. Whereas there are only four persons named. Amongst them the applicant is not there and secondly whatever is said by other eye witnesses about this applicant is after gap of few days. Whereas according to learned APP, there are statements of witnesses from page 68 onwards which mention about involvement of present Applicant as one of the assailants.

5. Considering the merits of matter, I am inclined to grant Anticipatory bail to the Applicant. It is for the reason that the Applicant has not been named in the FIR and other statements were not recorded immediately. Hence no purpose will be served by interrogating the Applicant after so long period.

6. However, one fact is really surprising, the Applicant has filed Anticipatory Bail Application on two occasions before the Court of Additional Sessions Judge, Thane. It was rejected on 22nd February 2017, and 27th October 2017, but till 2023, he has not taken any further steps in order get protection from arrest. At the same time it is also true that the investigating agency could not arrest the Applicant during this long period of 4 years.

7. According to learned APP, the Applicant was absconding. Whereas it is submitted that the Applicant is permanent resident of Padgha and he stays with his family. By approaching this Court by way of Anticipatory Bail Application, the Applicant though belatedly has shown his bonafides and respect to law. Hence, the following order is passed :

ORDER

- (a) In the event of arrest the Applicant-Nauman Ejaz Mulla be released on bail on furnishing personal bond and surety bond of Rs.25,000/- in C.R. No.132 of 2016 registered at Padgha police station for the offences punishable under sections 307, 326, 323, 324, 335, 504, 506 read with 34 of

IPC.

- (b) The Applicant shall not threaten the prosecution witnesses or allure them in any manner
 - (c) Needless to say, violating of the above conditions will make the Applicants liable for cancellation of anticipatory bail, after notice.
- 8. Application is disposed of accordingly.
 - 9. These are my prima facie observations and the trial Court may not be influenced by that.
 - 10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]