

**-IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1864 OF 2022**

Naseeb Shaikh Shakeel @ Papa ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Virendra Pethe for the Applicant.

Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 9 FEBRUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. On 11 July 2022, this Court passed the following order:

“1. Heard the learned counsel for the Applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with C.R. No. 93 of 2022 registered with City Police Station, Manmad for the offences punishable under Sections 307, 324, 504, 506, 143, 147, 148 and 149 of Indian Penal Code, 1860(the “Penal Code”).

3. The indictment against the Applicant and co-accused is that on 22nd April, 2022 at about 6 pm the accused and co-accused formed an unlawful assembly and in prosecution of the common object of the said assembly, committed offences of rioting armed with deadly weapon, attempted to commit

murder of Jahir Shaikh, the brother of the first informant -Salma Pathan, and also caused hurt to the first informant and other witnesses, who attempted to save the injured Jahir.

4. *The learned counsel for the Applicant submits that the applicant was not initially named as one of the members of the unlawful assembly while lodging the first information report. Subsequently, after about 8 days, according to learned counsel for the Applicant, the Applicant came to be impleaded as accused No. 8.*

5. *The learned APP seeks time to take instructions, especially as regards the nature of the injuries suffered by the injured and also place the supplementary statements of the witnesses before the Court.*

6. *From the allegations in the first information report, the aforesaid submissions are prima facie borne out.*

7. *Since the Applicant was not named as one of the members of the unlawful assembly, in the first information report, till the matter is considered, I am inclined to protect the liberty of the applicant.*

8. *Hence, the following order.*

ORDER

(i) *Issue notice to the Respondent, returnable on 10th August, 2022.*

(ii) *Learned APP waives service on behalf of the Respondent State.*

(iii) *In the meanwhile, in the event of arrest of the Applicant – Naseeb Shgaikh Shakeel @ Papa in CR No.93 of 2022 registered with City Police Station, Manmad, he be released on bail on furnishing a P. R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.*

(iv) *The applicant shall cooperate with the investigation and attend Manmad City Police*

Station on every alternate Sunday from 10.00 a.m. to 1.00 p.m. till the next date.

(v) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.”

3. The prosecution has already filed the charge-sheet against the present applicant and other co-accused. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to allow the present application. Interim order passed by this Court dated 11 July 2022 is hereby confirmed.

4. Application is disposed of.

(N.R. BORKAR, J.)