

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

ANTICIPATORY BAIL APPLICATION NO. 2009 OF 2023

Wasim Lala Alias Moh Wasim
Moulla Ali Renapure ...Applicant
Versus
The State Of Maharashtra ...Respondent

Mr. Pratik Mulasi a/w Mr. Navin Singh i/by Mr. Manoj Kumar
Tiwari, Advocate for the Applicant.

Mr. P. H. Gaikwad, APP for the Respondent – State.

P.I. V. M. Mhamunkar, Wadala Police Station, Present.

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CORAM : N. J. JAMADAR, J.
DATE : 20th SEPTEMBER, 2023.

PC.:

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. 72 of 2023 registered with Wadala Police
Station for offences punishable under Sections 146, 147, 148,
149, 307 and 326 read with 34 of the Indian Penal Code,
1860.

3. When the application was listed before this Court on
24th July 2023, this Court was persuaded to grant interim
protection observing *inter alia* as under:

“4. The FIR and the other material on record does not prima facie indicate that the Applicant herein inflicted injuries on the First Informant or the other injured witnesses. Learned counsel for the Applicant states that at the relevant time the Applicant was offering prayers in a mosque at Wadala and that he is ready to handover the CCTV footage to the Investigating Officer.”

4. Pursuant to the interim order, the applicant has appeared before the Investigating Officer. The learned APP, on instructions, submits that there are no antecedents of the applicant.

5. I have carefully perused the allegations in the FIR. It does not appear that any overt act has been attributed to the applicant apart from naming him as the person was with the assailants.

6. In the backdrop of the aforesaid nature of the accusation, custodial interrogation of the applicant does not seem to be warranted. I am therefore inclined to make the interim order absolute.

Hence, the following order:

ORDER

(i) The interim order dated 24th July 2023 is made absolute on the terms and conditions incorporated therein.

(ii) In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

(iii) It is clarified that the consideration is confined to determine entitlement to pre-arrest bail.

(iv) Application stands disposed.

(N. J. JAMADAR, J.)