

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2834 OF 2023

Mohammed Rabib Shaikh ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Sadanand Bansode, for the Applicant
Mr. Shrikant Yadav, APP, for the Respondent/State.
Mr. Dhanvant Chavan, PSI, Nagpada police station.

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 09, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 827 of 2023 registered at Nagpada police station for the offences punishable under sections 353, 323 and 504 read with 34 of Indian penal Code, 1860.
3. The first informant who is a police constable was on duty at Nagpada police station on 17th September, 2023. He noticed commotion. He advised the persons present thereat to maintain the peace. Thereupon, the applicant's father allegedly abused and insulted the first informant. As an altercation ensued the applicant came thereat and abused the first informant and caught hold of the collar of the first informant.

4. The learned counsel for the applicant submitted that the applicant has been falsely roped in. There were number of persons involved in the mob. The custodial interrogation of the applicant is not warranted.

5. The learned APP submitted that the applicant had caught hold of the collar of a public servant with intent to prevent him from discharging his duty as public servant and, therefore, the applicant does not deserve the exercise of discretion.

6. The allegations in the first information report indicate that while the first informant tried to intervene in a quarrel, the father of the applicant initially questioned his authority and abused him. He was arrested and has since been released on bail.

7. The role attributed to the applicant is that of hruling abuses and catching hold of collar of the first information report. Even if the allegations are taken at par, the custodial interrogation does not seem to be warranted to facilitate further investigation. The possibility of tampering of evidence is remote.

8. I am, therefore, persuaded to exercise the discretion in favour of the applicant while directing him to join in the investigation.

9. In the event of arrest in C.R. No. 827 of 2023 registered with Nagpada police station, the applicant Mohammed Rabib Shaikh be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/-

with one or two sureties in the like amount.

10. The applicant shall cooperate with the investigation and attend Nagpada police station, on 16th and 17th October, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

11. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

12. The applicant shall attend the proceeding regularly before the jurisdictional Court.

13. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)