



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3010 OF 2023**

Nazim Gulamhusain Divan ... Applicant
versus
State of Maharashtra ... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.3028 OF 2023

Shahbaz Gulam Gous Shaikh ... Applicant
versus
State of Maharashtra ... Respondent

Mr. Sandeep Mishra, for Applicants.
Mr. M.G.Patil, APP for State.
Mr. S.U.Jadhav, PSI, Kasara Police Station, Thane Rural present.

CORAM: N.J.JAMADAR, J.

DATE : 30 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. These applications for pre-arrest bail are in connection with C.R.No.129 of 2023 registered at Kasara Police Station initially for the offences punishable under Sections 365, 341, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860. Subsequently, offence punishable under Section 420 of the Code also seems to have been added.
3. The learned Counsel for the Applicants invited the attention of the court to an order passed by this Court on 11 October 2023 in respect of the co-accused

Rajkumar Amarnath Gupta, whereby this Court was persuaded to grant pre-arrest bail ascribing reasons. The learned Counsel submits that the role attributed to the present applicants is identical.

4. The learned APP fairly submits that the allegations in the FIR qua the applicants are identical.

5. I have perused the allegations in the FIR. It appears the genesis of the offences is in the dispute between the first informant and the co-accused Prince Dange, Shakil Momin and Azeem Diwan. The role attributed to the applicants is that of abducting and assaulting the first informant.

6. Prima facie, the delay of four months in lodging the report impairs the first informant's version. In any event, having regard to the nature of the accusations, the custodial interrogation of the applicants does not seem warranted to facilitate further investigation. The court is not informed that there are any antecedents which disentitle the applicants from the relief of pre-arrest bail. I am, therefore, inclined to exercise the discretion in favour of the applicants.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants – Nazim Gulamhusain Divan and Shahbaz Gulam Gous Shaikh in connection with C.R.No.129 of 2023 registered with Kasara Police Station, they be released on bail on furnishing a PR bond

in the sum of Rs.30,000/- each, with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation and report to Kasara Police Station on 6th, 7th and 8th November 2023 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(v) The Applications stand disposed.

(vi) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)