

Urmila Ingale

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

ANTICIPATORY BAIL APPLICATION NO.3593 OF 2022

FAIZ AHMAD S/O. MAHFOOZ AHMED ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Moin Khan, for Applicant.
Mr. N. B. Patil, APP for State.
Ms. Chandni Chawla i/b Khan Abdul Wahab, for Intervener.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 2, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** By this application, the applicant is seeking pre-arrest bail in respect of C.R.No. 191 of 2022 dated 12/05/2022 registered with Sion Police Station for the offence punishable under sections 323, 506(II), 34 of the Indian Penal Code, 1860 ("IPC", for short). Section 307 has been subsequently added. The allegations are also under sections 3 and 25 of the Arms Act, 1959 and sections 135 &

37(1)(a) of the Maharashtra Police Act. One NC dated 02/05/2022 came to be lodged by Abdul Rahim Abdul Latif Siddiqui against the applicant under sections 323 and 506 of IPC. It is alleged that the applicant who is an old man while taking a walk was accosted by two unknown persons who assaulted him with fist blows on the head and other parts of the body. He was also threatened with a gun. Thereafter FIR came to be registered on 12/05/2022 by the complainant Abdul Rahim Abdul Latif Siddiqui. In the said FIR it is alleged that the incident whereby he was threatened, was an outcome of the property dispute which is pending between the family. To help one of the relatives, it is the applicant who had engaged the persons who have threatened the complainant. The materials on record prima facie reveal that sum of Rs. 1.5 lakhs was the consideration to be paid for the issuance of these threats to the complainant. An amount of Rs. five thousand was paid by the applicant to these persons by g-pay. During the course of investigation, it was noticed that the gun in question was supplied by the applicant to the accused. The purpose of

issuing threats was to dissuade the complainant from interfering in the property dispute concerning the close relatives of the applicant. There are CDR details to show calls between the applicant and the persons who have been named in the FIR. Having regard to the nature of the allegations, in my opinion, this is not a fit case to grant relief of pre-arrest bail. The application is rejected.

(M. S. KARNIK, J.)