

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

ANTICIPATORY BAIL APPLICATION NO. 665 OF 2024

Haider Iklak Patel

..Applicant

Versus

The Sr. Police Inspector & Anr.

..Respondents

Mr. Mateen Shaikh a/w. Muskan Shaikh and Ejaz Shaikh for
Applicant.

Ms. Rajeshree V. Newton, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 12 MARCH 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.513 of 2023 registered at D. N. Nagar Police Station, Mumbai, on 17.08.2023, under sections 353, 504 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Mateen Shaikh, learned counsel for the applicant and Ms. Rajeshree Newton, learned APP for the State.

3. The F.I.R. is lodged by Police Constable Balu Pawar. He was attached to D.N.Nagar police station. He was on the night duty on 16.08.2023. In the midnight, at around 12.45a.m. when he was going from Nasar building to Gokhale bridge, he saw two

persons were quarreling with each other. The informant went there to intervene. One of those persons behaved arrogantly with him. In the meantime, two more persons came there. Out of them, the elder one questioned the informant and pushed him. The other two persons caught him by the scruff of the neck and manhandled him. They abused him. The informant called the other police officers. One Asif who was knowing the informant came there and rescued the informant. After that, another mobile van came there. Those persons refused to sit in the mobile van. They were taken to the police station in a rickshaw. On this basis the F.I.R. was lodged. The F.I.R. mentions names of all those four persons. One of them was the present applicant.

4. Learned counsel for the applicant submitted that, at the first instance, the applicant was not arrested. The others were arrested in the early hours of 17.08.2023. Learned counsel invited my attention to the remand report dated 17.08.2023 in respect of the arrested accused. He submitted that, in that remand report itself it is quite clear that the present applicant has not played any role.

5. I have considered that remand report. It is annexed at page 20 of this application. However, there is some overwriting in respect of serial numbers of the accused. Therefore, I had directed the learned APP to produce the original remand report. In the original remand report the present applicant is mentioned as the accused No.2 who was wanted in that case. The description of the incident in that remand report shows that, initially the accused Happy Kumar and Mohammad Gaus Patel were quarreling with each other. Thereafter the present applicant came with the accused No.1 Iqlakh. The remand report further mentions that Iqlakh questioned the informant, Mohammad Gaus and Happy Kumar manhandled the informant. There is no role attributed to the present applicant except that he had come on the spot with Iqlakh i.e. his father.

6. Learned APP submitted that the applicant was present there and he was also part of the incident. She submitted that he was not arrested immediately because he claimed to be a minor, but now the investigating agency wants to arrest him.

7. Learned counsel for the applicant submitted that the applicant is a young boy of 19 years of age. He is a college going student. The remand report itself shows that the applicant has not played any part whatsoever.

8. I have considered these submissions. Learned counsel for the applicant has rightly submitted that, in the remand report the incident is described in detail and there is no role attributed to the present applicant except that he had come on the scene with his father and all the accused had refused to accompany the police officers to the police station. Based on all these vague and minor allegations against the present applicant and considering his young age, the applicant's custodial interrogation is not necessary. He can be protected U/s.438 of the Cr.p.c.

9. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.513 of 2023 registered at D. N. Nagar Police Station, Mumbai, the applicant is directed to be released on bail on his executing P. R. bond

in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)