

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

ANTICIPATORY BAIL APPLICATION NO. 1170 OF 2024

Salim Nabilal Shaikh @ Salim Shaikh

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. B. J. Shaikh for Applicant.

Mr. Avinash A. Naik, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 29 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.220 of 2024 registered at Borivali Police Station, Mumbai, on 26.03.2024, under sections 143, 148, 149, 353, 332, 308, 323, 324, 160, 504 and 506 of the Indian Penal Code and under sections 37 and 135 of the Maharashtra Police Act.

2. Heard Mr. Shaikh, learned counsel for the applicant and Mr. Avinash Naik, learned APP for the State.

3. The F.I.R. is lodged by one police constable Shridhar Bachhav. He was attached to Borivali police station. The incident is

dated 25.03.2024. He was on *bandobast* duty. He received an information that, there was some fight going on behind Pranay Nagar Co-Op. Housing Society, Vazira Naka, Borivali (W). The informant and the other constable went to the spot at around 7.15p.m. He saw that, two groups were fighting with each other, were pelting stones and were beating each other with kicks and fist blows and with helmets. They were quite aggressive. When the informant and his companion intervened, they were manhandled. They called for further police force. In the meantime, the two persons were caught by the police. The others ran away. The arrested persons were Rajkumar Vaidya and Malhar Vaidya. The two others namely Fardin Shaikh and Govind Naik were caught subsequently. On enquiry with those two arrested persons, they divulged names of the other accused including the present applicant. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the allegations against the applicant are almost non existent. The arrested accused had taken his name. No specific role is attributed to him. At the highest, it can be said that he was part of the mob,

but there are no specific allegations that the applicant had assaulted any of the police officers. He was just a bystander and, therefore, he is falsely implicated.

5. Learned APP submitted that the name of the applicant is disclosed by a co-accused, therefore, at this stage, there is material against the applicant. However, he could not pinpoint the exact role; in particular, with reference to the offence punishable U/s.353 of the I.P.C.

6. I have considered these submissions. The allegations are general. Though, stone pelting and fighting could not be condoned, however, the question remains about the applicant's involvement. In that context, the investigating agency does not have a definite material against the applicant. There are vague references. He is named by the co-accused, without attributing any role to him. In this view of the matter, the applicant's custodial interrogation is not necessary. However, to keep check on his possible activities, he can be directed to report to the police station.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.220 of 2024 registered at Borivali 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 Applicant shall report to the concerned Police once in a week for a period of three months from today.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)