



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1049 OF 2024**

Mohd. Saqueeb Mohd. Rashid

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Manish Tribhuvar with Ms. Vijaya Devasthali, Mr. Tirupathi Rapelli, Ms. Nayan Maggo, Karan Varma, Ms. Sushma Sharma, for Applicant.

Mrs. Supriya Kak, APP for State.

PSI Arvind Pawar, Andheri Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 25 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.

2. This is an application for pre-arrest bail in connection with C.R.No.515 of 2023 registered with Andheri Police Station for the offences punishable under Sections 323, 365, 504, 506 read with Section 34 of the Indian Penal Code.

3. The accused No.1 Abdul Kalam had allegedly abducted the first informant and assaulted and abused him in connection with the dispute accused No.1 Abdul Kalam had with Abdul Hadi Jahiruddin Khan, brother of the first informant. The accused No.1 had preferred an application for pre-arrest bail. The said application was disposed as withdrawn on 3 November 2023. Second application for pre-arrest bail was filed on 1 March 2024. That application was also dismissed.

4. Learned Counsel for the Applicant submits that the accused No.1 has

been granted interim protection by the Supreme Court by an order dated 22 March 2024 passed in SLP (Cri.) Nos.4318 of 2024. Learned Counsel submits that there is no material to indicate that the applicant had either abducted the first informant or abused, assaulted or insulted the first informant.

5. On the other hand, learned APP submits that there is an eye witness to the occurrence who has stated that when the accused No.1 was abusing and assaulting the first informant, the applicant and three other persons were also present thereat and they were assaulting the first informant.

6. I have perused the statement of the said witness. It seems that the role of abduction and assault as well as threatening the first informant to shoot him, is primarily attributable to Abdul Kalam (A1). In these circumstances, since the principal accused has been granted interim protection by the Supreme Court, till the matter is heard after providing an opportunity to the prosecution, the liberty of the applicant also deserves to be protected.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Mohd. Saqueeb Mohd. Rashid in connection with C.R.No.515 of 2023 registered with Andheri Police Station, the applicant 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 Applicant shall co-operate with the investigation and report to Andheri Police Station on 2nd, 3rd and 4th May 2024 between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

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

(iv) Stand over to 20 June 2024.

(N.J.JAMADAR, J.)