



**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

None for Applicant.

Mr. A.A.Naik, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 6 AUGUST 2024

P.C.

1. Heard the learned APP for State.
2. By an order dated 25 April 2024, this Court had granted interim relief to the applicant observing, inter alia, as under :

“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 The said application was disposed as withdrawn on 3 November 2023.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.”

3. Learned APP informed the Court that by an order dated 16 July 2024, co-accused Abdul Kalam Jafar Shaikh (A1) has been granted pre-arrest bail by the Supreme Court. A copy of the said order is tendered for the perusal of the Court.

4. In view of the aforesaid development and as the allegations are primarily made against Abdul Kalam Jafar Shaikh (A1), co-accused, the liberty of the applicant is also required to be protected. I am, therefore, inclined to make the order of interim bail absolute.

5. Hence, the order dated 25 April 2024 granting interim pre-arrest bail to the applicant is made absolute on the terms and conditions incorporated therein.

6. In the event the chargesheet is lodged, the applicant shall regularly attend the proceedings before the jurisdictional Court.

7. By way of abundant caution, it is clarified that the observations made

hereinabove are confined for the purpose of determination of the entitlement for pre-arrest bail only.

Application disposed.

(N.J.JAMADAR, J.)