

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1251 OF 2024

Mr Shamshi Shahbaz Mohammad Ismail
Male, Age: 27 years, Occupation – Labour,
Residing at: Near Gujarati Mandir,
Near Rahim Kirana Store,
Govindwadi, Room No.2,
Kalyan (W), Tal. Kalyan,
Dist. Thane.

... Applicant

v/s.

The State of Maharashtra
(Through Hill-Line Police Station)

... Respondent

....

Mr Ammar Nizami, i/b. Mr Javed Shaikh, for the Applicant.

Mr Avinash A Naik, APP, for Respondent State.

API Shriram Padwal, Hill Line Police Station, Kalyan, is present.

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Coram : R.N. Laddha, J.

Date : 25 June 2024

P.C. :

Heard Mr Ammar Nizami, the learned Counsel for the applicant and Mr Avinash A Naik, the learned Additional Public Prosecutor for the State.

2. The applicant has approached this Court seeking anticipatory bail in connection with an FIR bearing CR No.I-156

of 2024, registered at Hill Line Police Station, Kalyan, for the offences punishable under Sections 326 read with 34 of the Indian Penal Code.

3. It is the case of the prosecution that the applicant along with co-accused, in furtherance of their common intention, assaulted the informant with an iron rod, resulting in severe injuries.

4. Mr Ammar Nizami, the learned Counsel appearing on behalf of the applicant, submits that the investigation has concluded, and the charge sheet has been filed. Nothing is to be recovered from the applicant. All the co-accused individuals have been released on bail, and the injured person has been discharged from the hospital.

5. On the other hand, Mr Avinash Naik, learned APP representing the State submits that the investigation into the applicant's involvement in the crime is ongoing. Specific allegations have been made against the applicant, suggesting that he and co-accused assaulted the informant using an iron rod. The applicant's participation in the offence is evident from the material available on record. Additionally, the applicant has criminal antecedents.

6. Upon perusing the records, *prima facie*, it appears that the applicant, along with the co-accused, assaulted the informant using an iron rod. The charge sheet for the applicant is still pending, and there is sufficient material implicating him in the crime. The investigation *qua* the applicant is still underway. Moreover, the applicant has criminal antecedents. Considering the nature of the incident, the learned APP has rightly contended that this is not a case for granting anticipatory bail, and custodial interrogation of the applicant would be necessary. Resultantly, the application stands rejected.

(R.N. Laddha, J.)