

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

Anticipatory Bail Application No.1530 of 2024

Meraj Husen Mo.Istiaque Qureshi
Age : 23 years, Occ: Self-employed,
male, Indian inhabitant,
residing at Ishtiaque Qureshi house,
Opposite A/1 Building Tata
Nagar station Govandi West,
Mumbai-400 043. Applicant.

Vs.

The State of Maharashtra
Through the Senior Inspector
of Police
(Deonar Police Station, Mumbai).... Respondent.

Mrs Nazneen Khatri @ Khatri Mohd. Adil @ Nausheen
Siddiqui @ Tasmiya Memon for the applicant.

Mr Nitini B. Patil, APP for the respondent/State.

API Kailash Sonawane, Deonar Police Station, Mumbai
present.

Coram : R.N. Laddha, J.

Date : 10 June 2024.

P.C.:

Heard Mrs Nazneen Khatri, the learned Counsel for the
applicant and Mr Nitin B. Patil, the learned APP for the
respondent/State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.116 of 2024, registered with Deonar Police Station, Mumbai, for the offences punishable under Sections 307, 324, 323, 504, 506(2) read with 34 of the Indian Penal Code.

3. The applicant had applied for anticipatory bail before the Sessions Court, however, it was dismissed by an order dated 12 April 2024. The Sessions Court found that the investigation was still underway and that the respondent/investigating agency had placed sufficient material on record to indicate that custodial interrogation of the applicant was necessary.

4. The learned Counsel for the applicant argues that the applicant has no criminal antecedents and no specific role has been assigned to him. The absence of Section 307 of IPC ingredients is emphasised. The learned Counsel contends that there was no alleged incident and the police intentionally avoided reviewing CCTV footage. Furthermore, the injuries sustained by the first informant are categorised as simple injuries. Given the applicant's willingness to cooperate with the investigation, anticipatory bail may be granted. Additionally, one of the co-accused has already been released

on regular bail and the alleged weapon used in the crime has been recovered.

5. The learned APP appearing for the respondent/State submits that the investigation is in progress and the weapon, a bamboo stick, used in the crime by the applicant is yet to be recovered. Both the applicant and the first informant reside in the same locality, raising concerns about potential influence on the injured and other witnesses. The learned APP contends that taking the applicant into custody is essential for further investigation. The eye witnesses' statement clearly implicate the applicant's presence at the crime scene. According to the learned APP, the intention to commit the offence is evident from the material placed on record.

6. This Court has appreciated the rival contentions and perused the material placed on record.

7. The allegations against the applicant are that he in connivance with the other two co-accused assaulted the first informant by a bamboo stick. Although, one bamboo stick was recovered from the scene, the bamboo stick used in the crime by the applicant is yet to be recovered. There are eye witnesses to the incident and the investigation is still at nascent stage. Considering the nature of the incident, and the

fact that the investigation is still in progress, the learned APP is justified in contending that this is not a fit case for grant of anticipatory bail. The custodial interrogation of the applicant would be necessary for further investigation into the matter.

8. In view of the above, the application stands rejected.

[R. N. Laddha, J.]