

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

ANTICIPATORY BAIL APPLICATION NO. 1532 OF 2024

Khalid Jalaluddin Khan	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Viral Rathod i/b. Vishwatej Jadhav, for the Applicant.
Ms. Rashmi Tendulkar, APP for the Respondent – State.
Mr. Sufian Qureshi, for the Intervenor.
PI Rodrigues, Bandra Police Station present.

Coram : R. N. Laddha, J.
Date : 10 June 2024

P.C.

1. This is an application for pre-arrest bail filed by the applicant apprehending arrest in C.R. No.730/2024, registered at Bandra Police Station, Mumbai for the offences punishable under Sections 307, 141, 144, 147, 148, 149, 506(ii) r/w. 34 of the Indian Penal Code.

2. The prosecution contends that a dispute arose due to a reduction in the area of the flat allotted to the first informant by the co-accused, who happens to be the son of the applicant. It is alleged that the co-accused assaulted the first informant on the instigation of the applicant.

3. The learned counsel for the applicant submits that the co-

accused, who allegedly assaulted the first informant, have already been arrested. Additionally, the weapons used in the crime namely, bamboo, iron rod and stone were recovered from the co-accused. The applicant is ready to cooperate with the investigation, and nothing further needs to be recovered from the applicant.

4. On the other hand, the learned APP submits that the co-accused assaulted the first informant at the behest of the applicant. The learned APP further acknowledges that nothing remains to be recovered in the crime.

5. Upon perusal of the material available on record, it appears that the alleged weapons were recovered from the co-accused, who have already been apprehended. Furthermore, nothing remains to be recovered in the crime. The sole accusation against the applicant is that he instigated the co-accused to assault the first informant. In these circumstances, custodial interrogation of the applicant is unwarranted. Hence, the following order:

ORDER

(i) In the event of arrest of the applicant in connection with C.R. No.730/2024, registered at Bandra Police Station, Mumbai, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(ii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

(iii) The applicant shall co-operate with the investigation and report to the Bandra Police Station, Mumbai as and when directed.

6. The application stands disposed of accordingly.

R. N. LADDHA, J.