

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
Anticipatory Bail Application No.1573 of 2024

Faisal Mehfooz Khan

... Applicant

Versus

The State of Maharashtra
(At the instance of Daighar police
station vide CR No.984 of 2024)

... Respondent

Mr Arun Rajput i/by Firoz Shaikh a/w Vishnu Wani for the
applicant.

Mr Avinash A. Naik, APP for the respondent/ State.

API Anil Rajpur, Shil-Daighar police station, Thane present.

Coram : RN Laddha, J.

Date : 13 June 2024.

P.C. –

Heard Mr Arun Rajput, the learned Counsel, appearing
on behalf of the applicant and Mr Avinash A. Naik, the
learned Additional Public Prosecutor, appearing on behalf of
the respondent/ State.

2. This is an application for pre-arrest bail filed by the
applicant, apprehending arrest in CR No.984 of 2024,
registered at Daighar Police Station, Thane, for offences
punishable under Sections 326, 323, 504, read with 34 of the

Indian Penal Code.

3. It is the case of the prosecution that the applicant, along with the co-accused, abused and assaulted the informant with a fist and kick blows, while one of the co-accused hit the complainant with an iron rod on the head and left hand.

4. The learned Counsel, appearing on behalf of the applicant, submits that even if the contents of the FIR were taken as they are, the role attributed to the applicant was that he had abused and assaulted the first informant by a fist and kick blows, while the co-accused allegedly assaulted the first informant with an iron rod. Even the applicant was assaulted and sustained injury in the incident. The first informant is implicated as an accused in the cross FIR. He further submits that considering the role attributed to the applicant, he deserves to be granted anticipatory bail, as the applicant undertakes to abide by the conditions that this Court may impose.

5. On the other hand, the learned Additional Public Prosecutor, appearing on behalf of the respondent/State, submits that the applicant, along with co-accused, in furtherance of their common intention, assaulted the

informant, resulting in grievous injuries to the first informant. The investigation is in progress, and the applicant, if granted bail, may tamper with the prosecution evidence.

6. Upon perusal of the records, it appears that the applicant's involvement is limited to verbally abusing and assaulting the first informant with a fist and kick blows. No allegations of weapon used have been made against the applicant in the crime. The investigation is on the verge of completion. The apprehension of the prosecution that the applicant may tamper with the prosecution evidence/witnesses can be taken care of by imposing appropriate conditions. Considering the nature of the allegations made against the applicant, this Court is inclined to allow the present application. Accordingly, the application is allowed in the following terms:

(I) In the event the applicant is arrested in connection with CR No.984 of 2024, registered at Daighar Police Station, Mumbai, he shall be released on bail on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(II) The applicant shall attend the police station as and when required.

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

7. The application stands disposed of accordingly.

[R. N. Laddha, J.]