

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

ANTICIPATORY BAIL APPLICATION NO.1661 OF 2024

Taufiq Mohammad Shafique Qureshi

Age 30 years, Occupation – Business,

Residing at Room No.12,

Hawabi Aziz Pansare Chawl,

Dargah Road, Aziz Compound,

Sonapur, Bhandup, Mumbai

... Applicant

v/s.

The State of Maharashtra

Through Mulund Police Station

District Mumbai

... Respondent

....

Mr Ajit Kenjale, a/w. Mr Sohail Gulabani, Mr Suraj Bansode, Ms Sai Kadam, Ms Prachi Deokar and Mr Azharuddin Khan, for the Applicant.

Ms Rajeshree Newton, APP, for Respondent State.

Mr Sanjay Popatghat, Mulund Police Station.

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Coram : R.N. Laddha, J.

Date : 21 June 2024

P.C. :

. Heard Mr Ajit Kenjale, the learned Counsel representing the applicant, and Ms Rajeshree Newton, the learned Additional Public Prosecutor representing the respondent/ State.

2. The applicant, who is apprehending arrest in CR No.24 of 2024, registered at Mulund Police Station, Mumbai, for the offences punishable under Sections 326, 307 read with 34 of the Indian Penal Code and Sections 37(1)(a) and 135 of the

Maharashtra Police Act, 1951, has filed the present application.

3. The prosecution alleges that the applicant and the co-accused assaulted the first informant with a knife and paver block. The incident occurred on 14 January 2024.

4. Mr Ajit Kenjale, the learned Counsel appearing on behalf of the applicant, submits that no role is attributed to the applicant in the FIR. He argues that the first informant in the FIR states that he knew the applicant and called him to have a conversation. The informant further states that an unknown person assaulted him with a paver block. However, the applicant was accused of assaulting the first informant after a month of the incident, based on the supplementary statement of the first informant. Given the statements in the FIR, if the applicant had assaulted the first informant with the alleged paver block, the first informant, who knew the applicant, would have named him as an accused. The allegations in the supplementary statement are an afterthought only to falsely implicate the applicant in the present crime. The learned Counsel asserts the applicant's innocence. He further submits that nothing remains to be recovered from the applicant; thus, the custodial interrogation of the applicant is unwarranted.

5. Ms Rajeshree Newton, the learned Additional Public Prosecution, appearing on behalf of the respondent/ State,

submits that the charge sheet has been filed against the co-accused, and the respondent has reserved its right to file a supplemental charge sheet against the applicant. She asserts that the offence is serious and the applicant's custody is necessary. If the applicant is released on bail, he may tamper with the prosecution witnesses. The learned APP acknowledges that the weapons used in the crime have been recovered.

6. Upon perusing the record, it transpires that the first informant documented the applicant's presence during the incident but did not name him as an accused or make any allegations of assault against him. The person accused of having assaulted the informant by paver block was unknown to him. Pertinently, the applicant has been accused of assaulting the first informant with a paver block in the first informant's statement, which was recorded a month after the incident. The prosecution does not claim that the first informant and the applicant were unknown to each other at the time of the incident. Admittedly, the weapons used to commit the crime have been recovered. Moreover, the first informant is enlarged on bail in the cross FIR filed by the co-accused Sagar Ingle. The apprehension of the prosecution that the applicant may tamper with the prosecution evidence/ witnesses can be addressed by imposing necessary conditions. Given these circumstances, this Court is inclined to

allow the present application on the following conditions:

- (i) In the event of the applicant's arrest in CR No.24 of 2024, registered at Mulund Police Station, Mumbai, the applicant shall be released on bail upon furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall co-operate with the investigation and attend the concerned Police Station as and when required.
- (iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]