

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

ANTICIPATORY BAIL APPLICATION NO.1756 OF 2024

Sultan Abdul Latif Mamtule

Age: 39 years, Occ:-Service

Address - Room No.9, Plot No.19,
New Collector Compound, Gate No.7,
Mumbai - 400 095

... Applicant

v/s.

The State of Maharashtra

(Through Malvani Police Station)

... Complainant
/Respondent

....

Mr Sadik Ibrahim Shaikh, for the Applicant.

Mr Avinash A Naik, APP, for Respondent State.

Mr Amar Arun Shinde, PSI, Malvani Police Station, Mumbai, is present.

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Coram : R.N. Laddha, J.

Date : 1 July 2024

P.C.:

. Heard Mr Sadik Ibrahim Shaikh, the learned Counsel appearing on behalf of the applicant, and Mr Avinash A Naik, the learned Additional Public Prosecutor representing the respondent/ State.

2. This is an application for pre-arrest bail filed by the

applicant, apprehending arrest in CR No.709 of 2024, registered at Malwani Police Station, Mumbai, for the offences punishable under Sections 326, 324, 323, 354, 452, 427, 153(A), 504, 506, 143, 144, 147, 148 and 149 of the Indian Penal Code.

2. It is the case of the prosecution that the applicant, along with the co-accused, formed an unlawful assembly and, assaulted the informant using a knife.

3. Mr Sadik Ibrahim Shaikh, the learned Counsel for the applicant, submits that there is delay of a day in lodging the complaint, and a cross FIR has been filed against the present informant. Additionally, some of the co-accused have already been released on bail.

5. On the other hand, Mr Avinash A Naik, the learned Additional Public Prosecutor, representing the respondent/State, submits that investigation is in progress and the weapon, a knife used in the crime by the applicant, is yet to be recovered. The eye-witnesses' statements clearly implicate the applicant as an assailant. According to the learned APP, the involvement of the applicant in the crime is evident from the material placed on record.

6. The applicant is accused of assaulting both the informant and his mother with a knife. The weapon allegedly used in the crime

has not been recovered yet. There are eye-witnesses to the incident and the investigation is in progress. 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. In view of the above, the application stands rejected.

(R.N. Laddha, J.)