

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

ANTICIPATORY BAIL APPLICATION NO.1780 OF 2024

- 1) Mohd Asif Kasam Ansari
Age: 49 years, Occupation:
Service, Residing at: Room
No.-83, Sanjay Nagar, Garibi
Hatav Nagar, Sunder Baug Lane,
Kamani, Kurla W,
Mumbai-400070
- 2) Jahanara Mohammad Asif
Ansari @ Rani,
Age: 43 years, Occupation:
Housewife, Residing at: Room
No.-83, Sanjay Nagar, Garibi
Hatav Nagar, Sunder Baug Lane,
Kamani, Kurla W,
Mumbai-400070
- 3) Mohd Farhan Abdul Kalam
Ansari @ Farhan,
Age: 22 years, Occupation:
Service, Residing at: Room
No.-2, D Silva Chawl No-2,
Eikta Nagar, Azad Nagar,
Ghatkopar (W),
Mumbai-400086
- 4) Mohd Faisal Mohd Ishaque
Ansari @ Saud,
Age: 26 years, Occupation:
Service, Residing at: Opp. B.M.C.
School, Sunder Baug Lane, Hill
No-3, Kamani R.No-19,

Garibi Hatav Nagar, Sanjay Nagar,
Kurla W, Mumbai-400070 ... Applicants
v/s.
The State of Maharashtra
At the instance of Sr. Inspector of Police,
Pantnagar Police Station Vide their
C.R. No.478 of 2024 ... Respondent

....
Mr Vaibhav Jagtap, for the Applicants.
Mr Yogesh Y Dabake, APP, for Respondent State.
PSI AS Jadhav, Ghatkopar Police Station, Mumbai, present.

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Coram : R.N. Laddha, J.
Date : 16 July 2024

P.C. :

Heard Mr Vaibhav Jagtap, the learned Counsel appearing on behalf of the applicants, and Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/ State.

2. The applicants have filed this application to seek pre-arrest bail in connection with CR No.478 of 2024 (CCTNS No.692 of 2024), registered at Ghatkopar Police Station, Mumbai, for offences punishable under Sections 325, 324, 323, 504, 506(2), 143, 144, 147, 148 and 149 of the Indian Penal Code (IPC).

3. According to the prosecution, on 04.06.2024, the applicants along with the co-accused formed an unlawful assembly and physically assaulted the first informant with fist and kick blows. It is also alleged that the co-accused further assaulted

the informant with iron rod and a skewer (commonly known as a ‘Chinese chamacha’).

4. Mr Vaibhav Jagtap, the learned Counsel representing the applicants, submits that even if the contents of the FIR were considered, the applicants’ role is limited to physically assaulting the informant with fist and kick blows, without using any weapons. The alleged weapons were wielded by the co-accused and have already been recovered. The learned Counsel further submits that considering the role attributed to the applicants, they deserve to be granted anticipatory bail, and they are ready to cooperate with the investigation. Moreover, The applicants have no criminal antecedents.

5. Mr Yogesh Dabake, the learned APP for the State, contends that the offence is serious, and if the applicants are granted anticipatory bail, they may tamper with the prosecution evidence.

6. After reviewing the material available on record, it appears that the role attributed to the applicants is that they assaulted the informant with fist and kick blows. There are no allegation of using any weapon by the applicants in the crime. The weapons purportedly used in the crime have already been recovered. The investigation is almost completed. The apprehension of the prosecution that the applicant may tamper with the prosecution

evidence/witnesses can be taken care of by imposing appropriate conditions. In light of the above, this Court is inclined to allow the present application. Accordingly, the application is allowed in the following terms.

ORDER

(i) In the event of arrest, the applicants shall be released on bail in CR No.478 of 2024 (CCTNS No.692/2024) registered at Ghatkopar Police Station, Mumbai, on executing a PR Bond of Rs.25,000/- each and furnish one or more sureties in the like amount.

(ii) The applicants shall cooperate with the investigation and report to the concerned police station as and when directed.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence any witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]