

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

Anticipatory Bail Application No.1834 of 2024

Mr Faizan Javed Qureshi
Aged 23 Years, Occ: Job,
Permanently Residing at Room
No.942, Bharat Nagar, Plot No.8,
BKC, Bandra(E), Mumbai-400051 Applicant.

Vs.

The State of Maharashtra
(through Chunabhatti Police
Station, Mumbai, CR No.86 of 2024) Respondent.

Mr Shadab Khopekar for the applicant.
Ms Anuja Gotad, APP for Respondent/State.
API Navnath Kale, Chunabhatti Police Station is present.

Coram : R.N.Laddha, J.
Date : 5 July 2024.

P.C. :

Heard Mr Shadab Khopekar, the learned Counsel appearing on behalf of the applicant, and Ms Anuja Gotad, 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.0086 of 2024, registered at Chunabhatti Police Station, Mumbai, for the offences punishable

under Sections 143, 147, 149, 323, 326, 504, 506(2) of the Indian Penal Code, and Sections 135, 37(1)(a) of Maharashtra Police Act, 1951.

3. It is the case of the prosecution that the applicant along with the co-accused abused and assaulted the informant with knife butt and wooden stick.

4 Mr Shadab Khopekar, 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 assaulted the first informant by fist and kick blows, while the co-accused allegedly assaulted the first informant with the wooden stick and knife butt. 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, Ms Anuja Gotad, the learned APP submits that the applicant and the co-accused formed an unlawful assembly and assaulted the informant resulting in grievous injury to the 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 assaulting the informant with fist and kick blows and thrown the mobile phone of the informant. No allegations of weapon used have been made against the applicant in the crime. The co-accused, assigned with the similar role was already granted anticipatory bail. Moreover, nothing is to be recovered from the applicant. 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.86/2024 registered with Chunabhatti 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 concerned police station as and when required, and cooperate with the investigation.
- (iii) The applicant himself or through any other person shall not 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.]