

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

Anticipatory Bail Application No.1919 of 2024

Shahid @ Raju Akhatar Ansari
Age: 40 Years, Occ: Service,
Residing at 351, Thane Road,
Near Noori Masjid, Ghunghat Nagar,
Bhiwandi, Dist: Thane – 421 302.

... Applicant

Versus

The State of Maharashtra
Through Nizampura Police
Station, Bhiwandi, Dist.-Thane
CR No.614/2024

... Respondent

Mr Shrikant Rathi, for the applicant.
Mr Arfan Sait, APP, for the respondent/ State.
PSI Ashok Pathare, Nizampura Police Station, Bhiwandi, Thane, is
present.

Coram: R.N. Laddha, J.
Date: 26 July 2024

P.C.:

By the present application, the applicant seeks pre-arrest bail in connection with CR No.614 of 2024, registered at Nizampura Police Station, Bhiwandi, Thane, for offences punishable under Sections 294, 323, 353 and 506 read with 34 of the Indian Penal Code.

2. The informant, serving at the Bhiwandi Police Station as a police constable, alleges that on 4 June 2024, while performing

traffic control duty near Baage Firdoz Masjid, he was struck by a motorcyclist coming from the opposite direction. The motorcycle's tyre hit the informant's leg. When the informant asked the motorcyclist for his driving license, three unknown persons arrived at the spot. One of them physically assaulted the informant, and all of them verbally abused and threatened both the informant and the PC Bhodke. The informant promptly called for police assistance; however, they fled.

3. Mr Shrikant Rathi, the learned Counsel appearing on behalf of the applicant, submits that the applicant played no role in the alleged incident. When an individual struck the informant's foot with the bike, the applicant happened to be passing by and noticed a crowd gathering at the scene. The applicant attempted to disburse the crowd and defuse the situation. The entire incident was captured on video, showing the applicant actively disbursing the crowd. The applicant neither abused nor threatened the informant. The FIR was lodged against three unknown persons. The accused, Nos.1 and 2, have been identified, arrested and subsequently, granted bail by the Sessions Court. The act of assault and abuse allegations pertain solely to co-accused, not the applicant. There remains an unexplained delay of two days in lodging the FIR.

4. Mr Arfan Sait, the learned Additional Public Prosecutor

representing the respondent/ State, contends that the offence is serious. The applicant, along with the co-accused, abused and assaulted the informant. However, he acknowledges that the applicant was not identified in the CCTV footage and there are no criminal antecedents against him. The investigation is in progress, and granting the applicant pre-arrest bail could lead to evidence tampering or witness influence.

5. After reviewing the record, it appears that the FIR was lodged against unknown persons. There is a delay of two days in filing the FIR. The applicant was not seen in the CCTV footage as an assailant. Furthermore, there are no witnesses implicating the applicant in the alleged crime; the sole accusations against the applicant involve verbal abuse and threats directed at the informant. The co-accused have already been enlarged on bail. Nothing is to be recovered or discovered at the applicant's behest. The investigation is on the verge of completion, and the assault is attributed to the co-accused rather than the applicant. Moreover, the applicant has no antecedents. To address the prosecution's concerns about evidence tampering and witness influence, appropriate conditions can be imposed. Considering these factors, this Court is inclined to grant pre-arrest bail to the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in

CR No.614 of 2024, registered at Nizampura Police Station, Bhiwandi, Thane, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

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

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

6. The application stands disposed of.

(R.N. Laddha, J.)