

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

Anticipatory Bail Application No.1948 of 2024

1. Mohammad Dalim Malawar Shaikh

Aged 39 years, Occ.-Labour,
R/at Near Darga Ahilya Chawl,
Annabhau Sathe Nagar, Mankhurd (W),
Shivaji Nagar, Mumbai - 400 043.

2. Sabir Ali Israr Ahmed Shaikh

Aged 23 years, Occ.-Labour,
R/at Near Darga Ahilya Chawl,
Annabhau Sathe Nagar, Mankhurd (W),
Shivaji Nagar, Mumbai - 400 043. ... Applicants

v/s.

State of Maharashtra

(Through Mankhurd Police Station) ...Respondent

Ms Sana Khan, i/b. Afreen Shaikh, for the Applicants.

Mr Amit A Palkar, APP, for Respondent/ State.

PSI RB Suradkar, Mankhurd Police Station, is present.

Coram: R.N. Laddha, J.

Date: 15 July 2024

P.C.:

Heard Ms Sana Khan, the learned Counsel appearing on behalf of the applicants and Mr Amit Palkar, 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.204 of 2024, registered at Mankhurd Police Station, Mumbai, for offences punishable under Sections 323, 324, 504, and 506(2) read with 34 of the Indian Penal Code (IPC).

3. The prosecution alleges that on the evening of 26 May 2024, the applicants verbally abused the informant and physically assaulted him with kicks, punches and a kada (metal bracelet).

4. Ms Sana Khan, the learned Counsel representing the applicants, contends that there was a pre-existing dispute between the applicants and the informant, with applicant No.1 having previously filed a non-cognisable complaint against the informant. The learned Counsel asserts the applicants' innocence and contends that they have been falsely implicated in the present crime as a part of personal vendetta. The applicants are ready and willing to abide by the conditions set by this Court.

5. Mr Amit Palkar, the learned Counsel representing the respondent/ State, submits that the offence is serious. Applicant No.1 has criminal antecedents. If the applicants are granted pre-arrest bail, they may tamper with the evidence or influence the witnesses.

6. Upon perusing the records, it appears that prior to the present incident, there was a confrontation between the informant and the applicants on 24 May 2024. As a result, applicant No.1 filed an NC complaint against the informant, alleging offences punishable under Sections 323, 504, 506 read with 34 of the IPC. The applicants stand accused of assaulting the informant by striking him with a kada (metal bracelet). However, the injury certificate indicates that the informant's injuries are simple. Notably, there appears no eye witnesses to the incident. The investigation is on the verge of completion. The prosecution's apprehension about tampering with the evidence and influencing witnesses can be addressed by imposing appropriate conditions. Given the above, this Court is inclined to allow the present application. Hence, the following order:

ORDER

(i) In the event of arrest, the applicants shall be released on bail in CR No.204 of 2024, registered at Mankhurd 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.)