

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

Anticipatory Bail Application No. 2028 of 2024

Imran Shaikh S/o. Aziz Shaikh
Aged about 38 years, Occ. Businessman,
R/at. Room No. – Kureshi Chawl,
Rohidas Wada, Dr. Ambedkar Road,
Kalyan.

...Applicant

Vs.

The State of Maharashtra
At the instance of Bazarpet Police Station.

...Respondent

Mr Ebaad Shaikh, for the applicant.
Mr Yogesh Y Dabake, APP, for the respondent/ State.
API Sujit Mundhe, Bazarpet Police Station, is present.

Coram: R. N. Laddha, J.
Date: 24 July 2024

P.C.

Heard Mr Ebaad Shaikh, the learned Counsel for the applicant and Mr Yogesh Dabake, 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.238 of 2024, registered at Bazarpet Police Station, Thane, for the offences punishable under Sections 143, 147, 148, 149, 323, 326, 367, 504, and 506 of the Indian Penal Code.

3. The applicant had applied for anticipatory bail before the Sessions Court, however, it was rejected by an order dated 26 June

2024. The Sessions Court found that the offence is serious, the applicant has criminal antecedents, and there is ample material against the applicant regarding his involvement in the crime.

4. The prosecution alleges that the applicant and the co-accused formed an unlawful assembly and assaulted the informant with a knife and sticks causing grievous injuries.

5. Mr Ebaad Shaikh, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present crime as the co-accused lodged NC against the informant's son. The injured is discharged from the hospital. The co-accused are released on bail.

6. Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/ State, submits that in the FIR specific role has been attributed to the applicant of assaulting the informant with a knife. The weapon is yet to be recovered. If the applicant is released on bail, he may tamper with evidence or influence the witnesses. The investigation is in progress.

7. After perusing the material placed on record, it appears that the applicant assaulted the informant with a knife, resulting in grievous injury on the back side of his head. The knife used by the applicant in the crime is yet to be recovered. The applicant is named in the FIR and there are eye witnesses to the incident. The investigation is in progress. *Prima facie*, the material on record discloses reasonable grounds to

believe the applicant's complicity in the crime. Considering the nature of the allegations and the fact that the weapon used in the crime is yet to be recovered, 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.

8. In view of the above, the application stands rejected.

(R. N. Laddha, J.)