

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

ANTICIPATORY BAIL APPLICATION NO.2327 OF 2024

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Mr. Qureshi Mohammed Raza ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Akash Kavade, for the Applicant.
Mr. Swapnil V. Walve, APP for the Respondent/State.
Mr. A. S. Jadhav, PSI, Ghatkopar Police Station, Mumbai – present.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th AUGUST, 2024

P C.

1. The Applicant is seeking anticipatory bail in connection with C. R. No.85 of 2024 registered at Ghatkopar Police Station on 5th February, 2024, under Sections 353, 332, 333, 341, 336, 337, 338, 141, 143, 145, 147, 149 of IPC, under Section 7 of Criminal Law (Amendment) Act and Sections 37(1), 37(3) and 135 of Maharashtra Police Act.

2. Heard learned counsel for the Applicant and learned APP for the Respondent/State.

3. The FIR and the investigation pertain to the incident dated 4th February, 2024. On that day, the Gujarat ATS police officers had come to Ghatkopar Police Station. They were searching for one

Mufti Salman Ajhari residing at Ghatkopar in connection with an offence registered at Junagad Police Station. The police officers of Ghatkopar Police Station along with the team of Gujarat police went to the house of said Ajhari. He was not co-operating with the investigation. Therefore, he was brought to the Ghatkopar Police Station. Thereafter, around 1000 people gathered in support of said Ajhari and they were obstructing his arrest. The allegations are that the crowd pelted stones at the police causing injuries to the police officers.

4. Learned counsel for the Applicant submitted that the present Applicant was an employee of the said Ajhari and he had called a lawyer to assist Ajhari. He had also gone to the Police Station and therefore, he was not a part of the crowd who were pelting stones and had committed the offence. He submitted that the CCTV footage of the incident would also endorse this submission. The FIR mentions his name as one of the persons present in the crowd. The charge-sheet in this case is filed and the investigation is over. There is statement of one Police Constable/Jayaram Shelke and there is only a general statement against the present Applicant.

5. Learned APP on instructions of the Investigating Officer makes a statement that the investigation in this case is over and the charge-sheet is filed and that the Investigating Agency does not want the custody of the present Applicant for investigation purpose.

It would be sufficient, if the Applicant is directed to attend the concerned Police Station on particular days and thereafter as and when called for.

6. The statement is recorded and accepted.

7. On the basis of this statement, since the Applicant does not have apprehension of arrest in connection with this FIR, learned counsel for the Applicant does not press this Application. Hence, the following order :-

ORDER

(i) The Application is disposed of as not pressed.

(ii) The Applicant shall attend the concerned Police Station on 18th, 19th and 20th September, 2024 and thereafter as and when called.

(SARANG V. KOTWAL, J.)