

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

Anticipatory Bail Application No. 2380 of 2024

Armash Tufail Shaikh

Age 18 years, Occ. Student,

R/o House No.987/2, Room No.2,

Chawl No.34, Shantinagar, Bhiwandi,

Thane.

...Applicant

Vs.

The State of Maharashtra

Through Shantinagar Police Station,

Bhiwandi

Served through Public Prosecutor

...Respondent

Mr Tushar Sonawane a/w. Ms. Pooja Satpute, for the Applicant.

Ms Supriya Kak, APP for the Respondent – State.

API Arun Gholap, Shantinagar Police Station, Thane is present.

Coram: R. N. Laddha, J.

Date: 27 August 2024

P.C.

Heard Mr Tushar Sonawane, the learned counsel appearing on behalf of the applicant; and Ms Supriya Kak, 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.939 of 2023, registered at Shantinagar Police Station, Thane, for the offences punishable under Sections 307, 326, 323, 109, 504, 506, 143, 144, 147, 148 and 149 of the Indian Penal Code and Sections 37(1) and 135 of the Maharashtra Police Act.

3. The FIR pertains to the incident dated 28.11.2023, wherein it is alleged that the applicant and the co-accused formed an unlawful assembly and assaulted the first informant using the knife.

4. Mr Tushar Sonawane, the learned Counsel for the applicant, submits that the applicant is not accused of using any weapon. The applicant's role was that he assaulted the informant by fist and kick blows. The weapon allegedly used by the co-accused was recovered and the investigation has been completed and charge sheet was also filed. The applicant is 18 years old only and nothing remains to be recovered from him.

5. Ms Supriya Kak, the learned APP, representing the State acknowledges that the investigation is completed and the charge sheet has been filed, and nothing is to be recovered from the applicant, indicating the applicant's custody not necessary.

6. After reviewing the records, it appears that the co-accused mounted an assault on the informant using a knife which led to injuries on his person. *Prima facie*, the role attributed to the present applicant is of assaulting the informant with fist and kick blows. Admittedly, the applicant is not accused of using any weapon, and is of tender age of 18 years. The investigation is complete, the charge sheet has been filed, and nothing is to be recovered from the applicant. In the circumstances, the application is allowed in the following terms:

(i) In the event of applicant's arrest in connection with CR No.939 of 2023, registered at Shantinagar Police Station, Thane, 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 not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses in any manner.

6. The application stands disposed of accordingly.

[R. N. Laddha, J.]