

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

Anticipatory Bail Application No.2397 of 2024

1. Mr Riyaz Shafi Sayyed,
Aged 23 years, Occ-Nil

2. Mr Shahnawaz Shafi Sayyed
Aged 34 years, Occ-Nil
Both of them residing at
Kandilvala Chawl, Azad Nagar,
Dharamveer Sambhaji Path,
Ghatkopar (W),
Mumbai – 400 086

... Applicants/Accused

v/s.

The State of Maharashtra
(At the instance of Ghatkopar Police
Station vide C.R.No.503/2024)
(C.C.T.N.S. No.728/2024)

... Respondent

....

Mr Prakash N Wagh, a/w Mr Ulkesh Gangurde, for the Applicants.
Mr Arfan Sait, APP, for Respondent State.
PSI AS Jadhav, Ghatkopar Police Station, Mumbai, is present.

....

Coram : R.N. Laddha, J.

Date : 28 August 2024

P.C. :

Heard Mr Prakash Wagh, the learned Counsel appearing on
behalf of the applicant and Mr Arfan Sait, the learned Additional
Public Prosecutor representing the respondent/State.

2. This is an application for pre-arrest bail filed by the applicants apprehending arrest in CR No.503 of 2024 (CCTNS No.728 of 2024), registered with Ghatkopar Police Station, Mumbai, for the offences punishable under Sections 326, 323, 504, 506(2) read with 34 of the Indian Penal Code.

3. The applicants previously sought anticipatory bail from the Sessions Court, but, it was denied by an order dated 22 July 2024, due to the ongoing investigation and the respondent/State's submission of sufficient evidence warranting the applicants' custodial interrogation.

4. Mr Prakash Wagh, the learned Counsel for the applicants, submits that the applicants, have no criminal antecedents, and the injuries inflicted on the informant are simple, not meeting the severity required under Section 326 of the Indian Penal Code. The weapon, a bamboo stick allegedly used by the applicant No.2 in the crime, has been recovered. The applicants are ready and willing to cooperate with the investigation.

5. Mr Arfan Sait, the learned APP representing the respondent/State, asserts that the applicants' custody is necessary for further investigation, citing eyewitnesses' statements placing

the applicants at the crime scene.

6. This Court has appreciated the rival contentions and perused the material on record.

7. The allegations against the applicants are that they, in connivance with the other co-accused who have been released on bail, assaulted the first informant with a bamboo stick. The record shows that the investigating agency recovered the bamboo stick allegedly used by applicant No.2. The injuries sustained by the first informant are simple in nature. With the investigation nearing completion and no criminal antecedents, custodial interrogation is unnecessary. In light of the above, this Court is inclined to grant anticipatory bail to the applicants. Hence, the following order.

ORDER

(i) In the event the applicants are arrested in connection with CR No.503 of 2024 (CCTNS No.728 of 2024), registered with Ghatkopar Police Station, Mumbai, they shall be released on bail, on furnishing PR Bond of Rs.25,000/- each, with one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required.

(iii)The applicants, themselves or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

(R.N. Laddha, J.)