

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

Anticipatory Bail Application No.2487 of 2024

Bablu Sharda Prashda
Age 32 years, Occ. AC Mechanic,
R/at. Room No.11, Sanjay Nagar,
Ram Panjwani Road, Mahim,
Mumbai - 400 051.

...Applicant

Vs.

The State of Maharashtra
(L. T. Marg Police Station)

...Respondent

Mr Ravi Dwivedi, a/w Mr Sainath Baji, for the applicant.
Mr MG Patil, APP, for the respondent/ State.
PSI Kalidas Dhaware, LT Marg Police Station, is present.

Coram: R. N. Laddha, J.

Date: 13 September 2024

P.C.

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.570 of 2024, registered at LT Marg Police Station, Mumbai, for offences punishable under Sections 191(2), 189(2), 140(1), and 118(1) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

2. According to the complainant, a case (CR No.28 of 2021) was filed against him at LT Marg Police Station, leading to his detention at Arthur Road jail. There, he befriended inmates Mandar Shetty and

Afzal Akhtar Sayyed. Upon their release, Mandar and Afzal purchased gold from the complainant but failed to receive it on time, prompting repeated visits to his shop. On 7 June 2024, Mandar, Afzal, the applicant, and others converged on the shop, demanding payment. When the complainant could not pay, Mandar verbally abused and slapped him. As the complainant tried to escape, Afzal caught and beat him, chasing him through the streets, while threatening by-standers who attempted to intervene. They forced him into a car, where he was assaulted with a beer bottle, causing head injuries, and threatened to kill him. Fortunately, police intercepted their vehicle near Shivaji Park, rescuing the complainant, who was subsequently hospitalised for treatment.

3. Mr Ravi Dwivedi, the learned Counsel appearing for the applicant, submits that the applicant has been falsely implicated in the crime. The applicant has no criminal antecedent, and has a history of brainstroke. The applicant is ready to hand over the bike allegedly used in the crime and is willing to co-operate with the investigation. Apart from the allegations that he was present at the time of alleged kidnapping incident, no specific role has been attributed to him. The applicant was not in the car in which the complainant was allegedly kidnapped. All co-accused, except for Deepak Sonar, have been arrested and released on bail. The investigation is complete and therefore, the applicant's custodial interrogation is not necessary.

4. Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, opposes the prayer for pre-arrest bail. Mr Patil argues that the applicant, along with co-accused Sachin Bidlan, forcibly detained the complainant in a car, and left the scene. The applicant participated in the crime by using his bike to bring the main accused, Afzal Sayyed, from Mahim to the location of the incident. The applicant and the co-accused assaulted the complainant. After the incident, the applicant fled the scene on the bike. However, the learned APP acknowledges that the investigation is complete except for the seizure of the applicant's bike. Despite this, he expresses concerns about granting anticipatory bail, fearing that the applicant may tamper with the evidence or influence the witnesses.

5. On perusal of records, it appears that the applicant's involvement in the incidence was limited to using his bike to bring the co-accused, Afzal, from Mahim to the scene of incident, beating the complainant, and assisting the co-accused in placing the complainant in the car. The applicant has no criminal antecedent and has a history of suffering from a brain-stroke. He is willing to hand over the bike allegedly used in the crime and is ready to co-operate with the investigation. All co-accused, except for Deepak Sonar, have been arrested and released on bail. The investigation is almost complete, with the only remaining task being the seizure of the applicant's bike, which he is ready to surrender. The prosecution's concern that the applicant may tamper with the evidence

or influence the witnesses can be taken care of by imposing appropriate conditions. In these circumstances, the custodial interrogation of the applicant is not warranted. Hence, the following order.

ORDER

- (i) In the event of the applicant's arrest in connection with CR No.570 of 2024, registered at LT Marg Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station on 18 September 2024 and surrender his bike.
- (iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

[R. N. Laddha, J.]