

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

Anticipatory Bail Application No.2510 of 2024

1. Shahid Ali Wajid Ali Khan
Age 24 years, Occ: Business
2. Zahid Ali Wajid Ali Khan
Age: 25 years, Occ: Business,
Both R/at : A/402, Akruti Orchid,
1/A, CTS 693, 699 of Mohili Village
Sakinaka, Mumbai : 400 072 ... Applicants.

Vs.

The State of Maharashtra
(At the instance of Sakinaka Police
Station) Respondent.

Mr Mohd. Ahmed Shaikh i/by Javed Khan for the applicants.
Mr Yogesh Dabke, APP for Respondent/State.
PSI Vishwanath Dhavane, Sakinaka Police Station, is present.

**Coram : R.N.Laddha, J.
Date : 6 September 2024**

P.C. :

Heard Mr Mohd. Ahmed Shaikh, the learned Counsel
appearing on behalf of the applicants and Mr Yogesh Dabke, the
learned Additional Public Prosecutor representing the State.

2. This is an application for pre-arrest bail filed by the

applicants, apprehending arrest, in CR No.589 of 2024 registered with Sakinaka Police Station, Mumbai, for the offences punishable under Sections 115(2) , 118(1), 118(2), 351(2) and 352 read with 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. It is the case of the prosecution that the applicants, along with the co-accused, verbally abused and physically assaulted the informant with first and kick blows. Additionally, the co-accused, Arbaaz, attacked two individuals, Wasim and Abdullah, using a knife and a sword.

4. Mr Mohd Shaikh, appearing on behalf of the applicant, submits that even if the contents of the FIR are accepted as true, the applicants are accused only of abusing and assaulting Wasim and Abdulla with fists and kicks. In contrast, the co-accused allegedly used a knife and sword in the assault. The applicants are 24-year-old young men with promising future. Furthermore, they are willing to cooperate with the investigation.

5. On the other hand, Mr Yogesh Dabke, the learned APP, submits that the applicant, along with the co-accused, in furtherance of their common intention, assaulted the witnesses, causing them grievous injuries. The investigation is in progress, and there is a concern that if the applicants are granted bail, they may tamper with the prosecution's evidence.

6. Upon perusing the records, it appears that the applicants involvement is limited to verbally abusing and physically assaulting the witnesses with fists and kicks. There are no allegations of weapon use against the applicants, and nothing is to be recovered from them. The investigation is nearing completion. The prosecution's concern that the applicants may tamper with the prosecution evidence or influence witnesses can be addressed by imposing appropriate conditions. Given these circumstances, this Court is inclined to grant the present application. Accordingly, the application is allowed in the following terms.

- (i) In the event of applicant's arrest in connection with CR No.589 of 2024, registered at Sakinaka Police Station, Mumbai, they shall be released on bail on furnishing a 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 applicant themselves or through any other person shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]