

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

Anticipatory Bail Application No. 2752 of 2024

Razzak Habib Rehman Qureshi

Age 29 years, Muslim,

R/at. 103, BW Rehab Building No.A-2,

CTS No.02 208 Milap CHS,

Gilbert Hill Road, Juhu Lane,

Near Farooka Masjid, Andheri (W),

Mumbai – 400 058.

...Applicant

Vs.

The State of Maharashtra

(At the instance of Sr. Inspector of Police,

D N Nagar Police Station, Mumbai)

...Respondent

Mr Karan Singh Mertia a/w Ms Prajakta Tawde i/b Mr Tanveer Farooqui, for the Applicant.

Mr Amit A Palkar, APP for Respondent No.1 – State.

PI Chetan Rathod, IO, a/w PSI Vaibhav Khade (Pairavi Adhikari) DN Nagar Police Station, Mumbai, is present.

Coram: R. N. Laddha, J.

Date: 8 October 2024.

P.C.

Heard Mr Karan Singh Mertia, the learned Counsel appearing for the applicant and Mr Amit Palkar, the 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.827 of 2024, registered at DN Nagar Police Station, Mumbai, for offences punishable under Sections 310(2), 311, 132 and 121(1) and 109 of the Bhartiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that upon receiving the information about individuals transporting cow flesh in a Mahindra Xylo motor jeep bearing No.MH-11 4664, the police intercepted the vehicle. During the enquiry with the driver, a mob gathered and began arguing with the police. Sitaram Panigraphi who was with the police was assaulted by the mob using deadly weapons such as iron rods and plastic pipes. The mob restrained the police officers, and during this commotion, the jeep driver managed to drive away. The mob also assaulted the informant and the police staff, and snatched Sitaram Panigrahi's gold chain and mobile phone.

4. Mr Karansingh Mertia, the learned Counsel for the applicant contends that the applicant has been falsely implicated in the present crime. The applicant runs a buffalo and meat business near the location. The learned Counsel submits that the applicant was merely a by-stander, witnessing the entire incident.

5. Mr Amit Palkar, the learned APP representing State, submits that the offence is grave. During the Test Identification Parade, the applicant was identified by the informant and other witnesses. The incident was recorded on CCTV footage and there are eyewitnesses to the incident. The weapons used in the crime are yet to be recovered, and the victims, including the informant, sustained injuries to vital parts of the body. The investigation is at a nascent stage.

6. After reviewing the records, it appears that the applicant stands accused of assaulting the informant and the witnesses. The eyewitnesses

and the CCTV footage corroborates the applicant's involvement in the crime. The injury certificate reveals that the injuries sustained by the injured on the vital parts of the body. The weapons used in the crime have not yet been recovered, and the investigation is at a nascent stage. The applicant's defence, claiming he was merely a spectator, can not be accepted at this point. In the incident, the police personnels were assaulted with deadly weapons. Given the severity of the offence and the fact that the investigation is ongoing, the learned APP's contention that this is not an appropriate case for granting anticipatory bail is well founded. Granting pre-arrest bail to the applicant would hinder the course of effective investigation. I am, therefore, not inclined to exercise the discretion in favour of the applicant.

7. In view of the above, the application stands rejected.

[R. N. Laddha, J.]