

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

Anticipatory Bail Application No. 2846 of 2024

1. Samnan Shahid Mir

Age 43 years, Occ. Business,
R/at. Room No.4, Motiwala Chawl,
Mohammad Tahir Ansari Marg,
Crystal Tower, Mumbai - 400 008.

2. Mohammad Nadeem Usman Munshi

Age 36 years, Occ. Driver,
R/at. 02, Babu Munshi Chawl,
Nariyal Wadi, Sant Sawata Marg,
Mazgaon, Mumbai - 400 010.

... Applicants

versus

The State of Maharashtra
(Through Chembur Police
Station, Mumbai)

... Respondent

Mr Satyaram Gaud, for the applicants.

Ms Supriya Kak, APP, for the respondent/ State.

API Aniket S Hivarkar, Chembur Police Station, Mumbai.

Coram: R. N. Laddha, J.

Date: 17 October 2024.

P.C.:

This is an application for pre-arrest bail filed by the applicants, apprehending arrest in CR No.380 of 2024, registered at Chembur Police Station, Mumbai, for offences

punishable under Sections 115(2), 118(1), 189(2), 190, 191(2), 329(3), 351(2) and 352 of Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that the applicants, in collusion with the co-accused, formed an unlawful assembly and assaulted the informant.

3. Mr Satyaram Gaud, the learned Counsel appearing on behalf of the applicants, asserts the applicants' innocence and contends that they have been falsely implicated in this crime. The applicants have no criminal antecedents. There are both case and cross case situations. Applicant No.1 lodged a cross FIR against the informant on 28 July 2024, while the present FIR was filed on 8 August 2024, indicating a significant delay. The injuries sustained by the informant are of a simple nature. The investigation is almost over, with nothing left to be recovered from the applicants. The co-accused have already been granted bail. The applicants are willing to cooperate with the investigation.

4. Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State, opposes the prayer for pre-arrest bail. She submits that the applicant with a bamboo stick intentionally attacked the informant. The investigation is in progress. The learned APP raises concern about granting pre-arrest bail to the applicants as they may tamper with the

evidence or influence witnesses.

5. After considering the rival submissions of the parties and upon perusing the records, it appears that there has been a substantial delay in filing the FIR. The incident in question occurred on 24 July 2024, while the present FIR was lodged only on 8 August 2024. Notably, applicant No.1 had already filed an FIR regarding the same incident on 28 July 2024. The injuries sustained by the informant have been assessed as simple, and there is no further need for recovery of any material from the applicants. Additionally, the co-accused involved in the present crime have already been released on bail, and the investigation is nearing completion. In these circumstances, this Court is inclined to grant pre-arrest bail to the applicants. Hence, the following order:

ORDER

(i) In the event of the applicants' arrest in connection with CR No.380 of 2024, registered at Chembur Police Station, Mumbai, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing 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 may tamper with the evidence or influence witnesses.

6. The application stands disposed of accordingly.

(R. N. Laddha, J.)