

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

Anticipatory Bail Application No.3033 of 2024

Shamshuddin Tabrez Haji Qureshi
Aged: 25 years, Occ: Business
Adult Indian Inhabitant, residing at
TA-129, Juhu Lane, Gilbert Hill Road,
Andheri (West), Mumbai 400 058

... Applicant

Versus

1. The State of Maharashtra
Through Public Prosecutor
Having Office at Criminal Side,
High Court, Mumbai 400 032
2. The Sr. Inspector of Police
Instance of DN Nagar Police Station

... Respondents

With

Anticipatory Bail Application No.3034 of 2024

Qureshi Haji Usman
Aged: 54 years, Occ: Business
Adult Indian Inhabitant, residing at
TA-129, Juhu Lane, Gilbert Hill Road,
Andheri (West), Mumbai 400 058

... Applicant

Versus

1. The State of Maharashtra
Through Public Prosecutor
Having Office at Criminal Side,
High Court, Mumbai 400 032
2. The Sr. Inspector of Police
Instance of DN Nagar Police Station

... Respondents

Mr Ayub Khan, for the applicants.
Mr Arfan Sait, APP, for the respondent/ State.
PI Santosh Chaudhary, DN Nagar Police Station.

Coram: R.N. Laddha, J.
Date: 16 December 2024.

P.C.:

Heard learned Counsel for the parties.

2. By these applications, the applicants seek pre-arrest bail in connection with CR No.827 of 2024, registered at DN Nagar Police Station, Mumbai, for offences punishable under Sections 310(2), 311, 132, 121(1) of Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 25 August 2024, while Police Constable Vishal Maruti Jadhav was on duty with other officers, they received information about unknown individuals transporting cow flesh. Acting on this tip, they proceeded to Juhu galli, Andheri (West), where they spotted a red colour Mahindra Xylo Motor Jeep bearing registration No.MH-11-4664. During their enquiry with the driver, a mob gathered at the spot and began arguing with the police. The informant, his colleagues and one Sitaram Panigrahi were assaulted by the mob with deadly weapons such as iron rods and plastic pipes, preventing the police team from performing their duties. During the commotion, the driver fled the scene in

the vehicle. The mob also snatched the gold chain and mobile phone of Sitaram.

3. Mr Ayub Khan, the learned Counsel appearing on behalf of the applicants, submits that the applicants were not present at the scene of incident. Six co-accused individuals have already been arrested and subsequently released on bail. The injuries sustained by the informant and others are simple. The applicants are not named in the FIR. The investigation is nearing completion and nothing is to be recovered from the applicants.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State, submits that while performing their duty, the informant and other police personnel were assaulted by the applicants and the co-accused, and also snatched the gold chain and the mobile phone of one Sitaram Panigrahi, who at the relevant time was present with the police team. The investigation revealed the applicants' roles as the assailants who were present in the mob and actively participated in the crime. There is sufficient material available on record to show that the offence was committed in pursuit of the common object of the unlawful assembly, of which the applicants were members.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. The informant, along with other police personnel and Sitaram Panigrahi, who was with the police team, were assaulted by the applicants and the co-accused. During the incident, Sitaram's gold chain and mobile phone were also snatched. Eyewitnesses to the incident have specifically implicated the applicants in this crime. There is *prima facie* material to show that the applicants, along with the co-accused, unlawfully assembled and attacked the police team, causing grievous injuries to them. The investigation is in progress, and the weapons allegedly used in the crime are yet to be recovered.

7. Considering the nature of the allegations and the material on record, this Court is not inclined to exercise its discretion in favour of the applicants. As a result, the applications stand rejected.

[R.N. Laddha, J.]