

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

Anticipatory Bail Application No. 3176 of 2024

Mohammed Yasin Ansari (A3)
C/o. Mohammed Hanif Ansari,
Age 32 years, Occ.: Service,
Municipal Patra Chawl No.41,
Room No.4, MJ Phule Nagar,
Musa Killedar Street,
Hains Road, BK Marg,
Byculla (West), Mumbai – 400 011

... Applicant

versus

The State of Maharashtra
(at the instance of Agripada Police Station)

... Respondent

Mr Mateen Qureshi, a/w Mr Latif Subhedar, for the applicant.
Mr Swapnil S Pednekar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 25 November 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No. 556 of 2024, registered at Agripada Police Station, Mumbai, for offences punishable under Sections 56, 352, 191(3), 191(2), 190, 189(2), 118(2), 115(2) of Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 29 October 2024, at

about 10.30 p.m., the applicant and co-accused, Jamir, confronted and abused the first informant. The informant's brother intervened, and they left the spot. Later, while heading home, the co-accused encountered the informant and his brother and assaulted them with a chain, belt buckle, and punching and kicking them.

3. Mr Mateen Qureshi, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present crime. According to the prosecution's own account, the applicant was not present at the scene during the alleged assault. The sole accusation against the applicant is that he confronted and abused the informant. The alleged incident of assault occurred subsequently, at a time when the applicant was not at the location.

4. Mr Swapnil Pednekar, the learned Additional Public Prosecutor representing the respondent/ State, acknowledges that the present applicant's role was limited to confronting and abusing the informant prior to the incident, and that the applicant was not present during the assault. The learned APP further concedes that the investigation is almost complete and nothing is to be recovered from the applicant.

5. Upon perusing the records, it appears that the sole allegation against the applicant is that he confronted and abused the informant. Following this incident, the applicant and his brother left the spot. On their way home, they were assaulted by co-accused. The co-accused, who allegedly assaulted the informant and his brother, have been arrested and released on bail. The investigation is at the verge of completion and nothing is to be recovered or discovered from the applicant. The applicant has no criminal antecedents. The apprehension of the prosecution that the applicant may tamper with the prosecution evidence / witnesses can be taken care of by imposing appropriate conditions. Considering the nature of the allegations made against the applicant, this Court is inclined to allow the present application. Hence, the following order.

ORDER

- (i) In the event, the applicant is arrested in connection with CR No.556 of 2024, registered at Agripada Police Station, Mumbai, he shall be released on bail on furnishing PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The applicant himself or through any other person shall not indulge in any activities that would

tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)