

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

Anticipatory Bail Application No.3251 of 2024

Irfan Abdul Mannan Ansari
Age 28 years, Occ; Service
R/a Sathe Nagar, Sitaram Dham,
Hanuman Chawl, Room No.86,
Mankhurd West, Mumbai-400 043.

2. Faisal Abdul Wahid Khan
Age 27 years, Occ: Service
R/at Patra chawl No.16, Room No.4,
BJ Marg, Hans Road, Jacob Circle,
Byculla (W), Mumbai-400 011.

..... Applicants.

Vs.

1. The State of Maharashtra
Through Sr Inspector
Agripada police station, Mumbai
Vide CR No.556 of 2024.

2. Nizam Ahmed Anwar Ahmed
Age : 50 years,
R/at BJ Marg, Hains Road,
Franco Indian Co.building,
Satrasta Byculla, Mumbai-11

.....Respondents.

Mr Mustafa Raza a/w Ayesha Sayyed for the applicant.
Mr MG Patil, APP for respondent/State.
Mr Pravin Nemade for the intervenor.
PSI Swapnil Khonde, Agripada police station.

Coram : R.N.Laddha, J.

Date : 29 November 2024.

P.C. :

Leave to implead the first informant as party respondent to this application. Amendment to be carried out forthwith. Mr Pravin Nemade waives service of notice on behalf of newly added respondent.

2. Heard Mr Mustafa Raza, the learned Counsel appearing on behalf of the applicant, Mr MG Patil, the learned Additional Public Prosecutor for the respondent/State and Mr Pravin Nemade, the learned Counsel appearing on behalf of the intervenor.

3. This is an application for grant of anticipatory bail in connection with CR No.556 of 2024, registered at Agripada Police Station, Mumbai, for the offences punishable under Sections 56, 352, 191(3), 191(2), 190, 189(2), 118(2), 115(2) of the Bharatiya Nyaya Sanhita, 2023.

4. The prosecution alleges that on 29 October 2024, at about 10:30 p.m., the applicant and the co-accused confronted, abused and assaulted the first informant's son

and wife. The Informant's brother intervened and they left the spot. Later while returning home, the applicants encountered the informant and assaulted the informant's son with chain, belt buckle, and with kick and fist blows.

5. Mr Mustafa Raza, the learned Counsel for the applicants submits that the applicants have been falsely implicated in the present crime. The sole allegation against the applicants is that they confronted, abused and assaulted the informant's son with kick and fists blows and gave punch to his wife.

6. Mr MG Patil, the learned Additional Public Proescutor representing the respondent/State, and Mr Pravin Nemade, the learned appearing for the intervenor, jointly submit that the present applicants formed unlawful assembly and assaulted the informant and his family members. The learned APP further submits that the investigation is almost complete, and nothing is to be recovered from the applicant.

7. Upon perusing the records it appears that the allegations against the applicants are that they confronted,

abused and assaulted the injured with fist and kick blows. The investigation is on the verge of completion and nothing is to be recovered or discovered from the applicants. The applicants do not have criminal antecedents and there are no allegations of use of any weapons against them. The apprehension of the prosecution that the applicants may tamper with the prosecution evidence or influence witnesses, can be taken care of by imposing appropriate conditions. Considering the nature of the allegations made against the applicants, this Court is inclined to allow the present application. Hence, the following order.

Order

- (i) In the event of the applicants' arrest, in connection with C.R. CR No.556 of 2024, registered at Agripada 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 tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

[R. N. Laddha, J.]