

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

Anticipatory Bail Application No.3295 of 2024

Mahtab Lallan Khan

Ground Floor, Age 25 years, Occ: Service,
S/O Lallan Khan, Transit Compound,
Tank Pakhandi Road, Byculla West,
PO: Jacob Circle, Mumbai – 400 011

... Applicant

Versus

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

2. Nizam Ahmed Anwar Ahmed,
Age 50 years, R/at BJ Marg,
Hans Road,
Franco Indian Co. Building,
Satrastra Byculla, Mumbai - 17

... Respondents

Mr Mateen Qureshi, for the applicant.

Mr Yogesh Dabke, APP, for the respondent/ State.

PSI Swapnil Khonde, Agripada Police Station, Mumbai, is
present.

Coram: R.N. Laddha, J.

Date: 18 December 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) and 115(2) of the Bhartiya Nyaya Sanhita, 2023.

2. Heard Mr Mateen Qureshi, the learned Counsel appearing on behalf of the applicant and Mr Yogesh Dabke the learned Additional Public Prosecutor for the respondent/State.

3. 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 informant and his family members. The informant's brother intervened and they left the spot. Later while returning home, the informant and his family members were again confronted by the applicant and the co-accused, assaulted them using an iron chain, a belt buckle, and with kick and fist blows.

4. The learned Counsel for the applicant submits that the applicant has been falsely implicated in the present crime. The applicant has no criminal antecedents and was not present at the scene of the crime at the relevant time. The applicant was dragged into this case solely due to his friendship with the co-accused. The co-accused have already been arrested and subsequently released on bail by the learned trial Court and nothing is to be recovered from the applicant.

5. The learned Additional Public Prosecutor representing the respondent/State, contends that the applicant along with the co-accused, formed an unlawful assembly and assaulted the informant and his family members. During the incident, the applicant's son sustained grievous injuries that necessitated surgery as corroborated by medical records dated 29 and 30 October 2024. Moreover, the co-accused were granted anticipatory bail on the ground that they only used fists and kicks during the assault. The weapon used by the applicant in the crime is yet to be recovered.

6. Upon perusing the records, it appears that a specific role has been attributed to the applicant, indicating that he assaulted the informant and his family members, resulting in grievous injuries to the informant's son, and requires surgery. There are eyewitnesses to the incident. The applicant's defence that he was not present at the time of the incident cannot be appreciated at this stage. Additionally, the weapon allegedly used in the crime by the applicant has not yet been recovered. Given the above, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

(R.N. Laddha, J.)