

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

Anticipatory Bail Application No.3297 of 2024

Zamir Alam Jane Alam Khan
S/o Jane Alam Khan, Age 42 years,
Occ:Service, Room No.9, 2nd floor,
BMC building No.5,
BJ Marg, Hans Road, Dagri Chawl,
Byculla Mumbai-400 011 Applicant.

Vs.

The State of Maharashtra
(at the instance of Agripada
police station) Respondent.

Mr Mateen Qureshi for the applicant.
Mr Yogesh Dabke, APP for respondent/State.
Mr Pravin Nemade for the intervenor.
PSI Swapnil Khonde, Agripada police station.

**Coram : R.N.Laddha, J.
Date : 4 December 2024.**

P.C. :

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

2. 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.

3. The prosecution alleges that on 29 October 2024, at about 10:30 p.m., the co-accused acting at the instigation of the applicant, confronted, abused, and assaulted the first informant. When the informant's brother intervened, they left the scene. However, while heading home, the co-accused encountered the informant and his brother again and assaulted them using a chain, belt buckle, and by punching and kicking them.

4. Mr Mateen Qureshi, the learned Counsel for the applicant submits that the applicant has been falsely implicated in the case. According to the prosecution's own allegations, the applicant's role was limited to instigating the co-accused, and there are no allegations against the applicant regarding the use of weapons or physical force.

5. Mr Yoegsh Dabke, the learned Additional Public Prosecutor representing the respondent/State, and Mr

Pravin Nemade, the learned appearing for the intervenor, jointly submit that the offence is serious and grave in nature. The co-accused, on the instigation of the applicant, assaulted the informant. The learned APP, however, fairly acknowledges that the investigation is almost complete, and nothing is to be recovered from the applicant.

6. Upon reviewing the records, it appears that the allegations against the applicant are limited to instigating the co-accused, who allegedly assaulted the first informant and his brother. The co-accused, who allegedly committed the physical assault, have already been arrested and released on bail. There is nothing to be recovered or discovered from the applicant and the investigation is almost over. The applicant has no criminal antecedents. The apprehension of the prosecution that the applicant may tamper with the prosecution evidence or influence witnesses, can be taken care of by imposing appropriate conditions. Given the nature of the allegations, this Court is inclined to allow the present application. Hence, the following order.

Order

- (i) In the event of the applicant's arrest, in connection with C.R.No.556

of 2024, registered at Agripada Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing 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 tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]