

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

Anticipatory Bail Application No. 3305 of 2024

Akbar Ali Aktar Ali @ Jumman

Age 18, Occ. Business,
R/at. 56, Maruti Chawl,
Pila Bangla, Rajiv Gandhi,
Mumbai – 400 017.

...Applicant

Vs.

The State of Maharashtra
Through Dharavi Police Station

...Respondent

Mr Ravishankar Dwivedi a/w Mr Satish Shukla a/w Mr Sainath
Baji, for the applicant.

Mr Amit A Palkar, APP, for the respondent – State.

Coram: R.N. Laddha, J.

Date: 4 December 2024

P.C.:

Heard Mr Ravishankar Dwivedi, the learned Counsel
appearing on behalf of the applicant and Mr Amit Palkar, the
learned Additional Public Prosecutor representing the
respondent/State.

2. This is an application for pre-arrest bail filed by the
applicant, apprehending arrest in CR No.680 of 2024,
registered with Dharavi Police Station, Mumbai, for the
offences punishable under Sections 103(2), 351(2) read with
3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to the prosecution the incident occurred on 28 July 2024, at about 7:14 p.m. The applicant, along with the co-accused, assaulted the informant. During the altercation, the co-accused, Allu alias Niyaz, stabbed Arvind in the chest with a knife. Arvind subsequently succumbed to his injuries.

4. The learned Counsel appearing on behalf of the applicant, contends that the applicant has been falsely implicated in the present case. The First Information Report primarily attributes all allegations and grievances to the co-accused, Allu and Arif. The FIR further states that the applicant's involvement was limited to making an enquiry with the informant about the incident at around 9:30 p.m., well after the alleged crime occurred. The applicant's name was only introduced after the informant provided a supplementary statement on the next day of the incident. This supplementary statement contradicts the initial FIR entirely. Furthermore, the applicant's alleged presence at the crime scene is not corroborated by CCTV footage recorded at the time of incident.

5. Conversely, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence in question is of a serious and grave nature, with sufficient prima facie material indicating the applicant's involvement. The learned APP further submits that there may be minor

inconsistencies in the witnesses' versions due to the rapid sequence of events, but maintains that these discrepancies can be appropriately addressed during the trial. The learned APP confirms that the investigation has been completed, and the charge sheet has been filed.

6. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. It appears from the records that the only involvement attributed to the applicant in the FIR is that around 9:30 p.m., after the incident, the applicant enquired with the informant about what had happened. The alleged incident itself took place at approximately 7:14 p.m. and was captured on the CCTV footage. However, it is acknowledged that the applicant is not seen in this footage. The applicant's further statement was recorded the day after the incident, and this statement seems to contradict the details provided in the FIR. Notably, the FIR does not allege that the applicant assaulted or threatened anyone. Additionally, the applicant is an 18 years old young boy, and the investigation has already been completed with the charge sheet filed.

7. In the circumstances, the application is allowed in the following terms.

(i) In the event, the applicant is arrested in connection with CR No.680 of 2024, registered with Dharavi Police Station, Mumbai, he shall be released on bail on furnishing a 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 directed by the investigating agency.

(iii) The applicant himself or through any other person shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]