

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

Anticipatory Bail Application No.3483 of 2024

1. Babu Ayinal Khan @ Jyoti
Age 43 years Add: Mohd
Rafi Nagar Zopadpatti,
Near Faizul Rasul Masjid,
Shivaji Nagar, Govandi,
Mumbai-400 043.
2. Sham Ramu Thorat alias Ekta
Age: 28 years, Add: Indra
CHS Ltd., Bldg. No.21/B,
Room No.111, Lallubhai
Compound, Hiranandani Akruti,
Govandi, Mumbai-400 043.
3. Saniya Jamil Shaikh alias Anis
Age :31 years, Add: Banjara Seva
Sangh, S. Acharya Nagar,
Maharashtra Nagar No.3,
Mankhurd, Mumbai-400 043.
4. Nagma Ali Hasan Qureshi alias Siraj
Age: 27 years, Add: Near Nyan
Sadna High School, Kamla Nagar,
Room No.40, Baiganwadi
Govandi, Mumbai-400 043.

... Applicants

Versus

The State of Maharashtra
(at the instance of Shivaji Nagar
Police Station)

... Respondent

Mr RMH Tabali, *along with* Ms Mansi Naik and Mr S Khan,
for the applicants.

Ms Supriya Kak, APP, for the respondent/ State.

PSI SD Patil, Shivajinagar Police Station, Mumbai.

Coram: R.N. Laddha, J.

Date: 19 December 2024.

P.C.:

By this application, the applicants seek pre-arrest bail in connection with CR No.718 of 2024, registered at Shivajinagar Police Station, Mumbai, for offences punishable under Sections 115(2), 118(1), 140(3), 351(3) and 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 6 October 2024, the applicants verbally abused the informant in response to her decision to change her trans-family group and, subsequently, abducted her. They took her to a location in proximity to applicant No.1's residence, where they subjected her to physical assault using bamboo sticks, fists and kick blows while also issuing threats to her life.

3. Mr RMH Tabali, the learned Counsel appearing on behalf of the applicants, contends that the allegations in the FIR lack details, and no specific role is assigned to the applicants. The injuries are simple. The learned Counsel further argues that

there are cross-FIRs and that the present FIR is a retaliatory action. The learned Counsel highlights the three-day delay in filing the FIR, which remains unexplained. Asserting the applicants' innocence, the learned Counsel submits that they have been falsely implicated in the present crime. The applicants are ready to comply with any conditions this Court imposes.

4. Ms Supriya Kak, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is grave and serious in nature. The applicants have assaulted the informant with bamboo sticks, fists and kick blows. If the applicants are granted pre-arrest bail, they may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. A cursory reading of the FIR reveals that the allegations against the applicants are bereft of details. *Prima facie*, no specific role has been attributed to the applicants, and there are no eyewitnesses to the incident. The injuries sustained appear to be simple. Further, the incident occurred on 6 October 2024, and the FIR was lodged only on 9 October 2024, suggesting a delay. The investigation is at an advanced stage. The prosecution's apprehensions about evidence tampering and witness influence can be addressed by imposing appropriate conditions. In these

circumstances, the application is allowed in the following terms:

(i) In the event of the applicants' arrest in connection with CR No.718 of 2024, registered at Shivajinagar 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 indulge in any activity that may tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R. N. Laddha, J.)