

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1652 OF 2024

Altaf Sharfuddin Shaikh

Age 23, Occ: Business

Resident: Room No.204, 2nd Floor, C-Wing

Chitrakut C.H.S. 90 Feet Road,

Opp Citizen Hotel, Sion,

Dharavi, Mumbai – 400 017

... Applicant

v/s.

The State of Maharashtra

(Dharavi Police Station)

C.R. No.95 of 2024

... Respondent

WITH

INTERIM APPLICATION NO.2343 OF 2024

IN

ANTICIPATORY BAIL APPLICATION NO.1652 OF 2024

Hasnain Rauf Shaikh

Age: 50 years, Occupation: Business

Resident of: Room No.1101,

Shiyaz Tower, Koparkhairane, Section-12,

Vashi, Navi Mumbai – 400 709

... Applicant/Intervener

IN THE MATTER OF AND BETWEEN

Altaf Sharfuddin Shaikh

Age 23, Occ: Business

Resident: Room No.204, 2nd Floor, C-Wing

Chitrakut C.H.S. 90 Feet Road,

Opp Citizen Hotel, Sion,

Dharavi, Mumbai – 400 017

... Applicant

v/s.

The State of Maharashtra
(Dharavi Police Station)
C.R. No.95 of 2024

... Respondent

....

Mr Sandesh Manikhedkar, for the Applicant.

Ms Pallavi Dabholkar, APP, for Respondent State.

Mr Mahesh Gupta, i/b. Pradyumna Waghmare, for the Intervenor.

Mr Khandagale, API, Dharavi Police Station.

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Coram : R.N. Laddha, J.

Date : 21 June 2024

P.C. :

. Heard Mr Sandesh Manikhedkar, the learned Counsel representing the applicant, and Ms Pallavi Dabholkar, 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.95 of 2024 registered with Dharavi Police Station, for the offence punishable under Section 307 read with 34 of the Indian Penal Code.

3. The prosecution alleges that on 4 February 2024, the applicant, along with co-accused, in furtherance of their common intention, assaulted the injured Jamshed with iron rod.

4. The learned Counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in this crime. He further submits that considering the role attributed to the applicant in the charge-sheet, he deserves to be granted anticipatory bail, as the applicant undertakes to abide by the conditions that this Court may impose. Moreover, the co-accused, father and brother of the applicant, have already been enlarged on bail.

5. On the other hand, the learned Additional Public Prosecutor, representing the respondent/State, submits that offence is serious and if the applicant is released on bail, he may tamper with the prosecution evidence. The investigation is in progress. The weapon used by the applicant in the crime is yet to be recovered. The applicant is named in the FIR with a specific role attributed to him.

6. Upon perusal of the material available on record, it appears that the applicant is named in the FIR as an assailant with a specific role attributed to him. The weapon allegedly used by the applicant in the crime has not been recovered yet, and the investigation is in progress. Prima facie, there is sufficient material to indicate that the applicant assaulted the injured with an iron rod. Additionally, the applicant has a criminal antecedent. In the circumstances, custodial interrogation of the applicant would be necessary.

7. Given the above, the application stands rejected. As a sequel, the pending application also stands disposed of.

(R.N. LADDHA, J.)