

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

Anticipatory Bail Application No.2735 of 2024

1. Zahid Abdul Wahid Shaikh,
Age-21 years, Occ- Student
Residing at Fatakdi Chawl No.5,
Room No.16, Dr Annie Besant Road,
Opp M.ICO, Worli, Mumbai - 400018
2. Devraj Prakash Waghela
Aged- 23 years, Occ- Service,
Residing at 52A, My Tandel House,
2nd Floor, Room No.3, Sonapur Lane,
Worli, Mumbai – 400 030 ... Applicants.
v/s.

The State of Maharashtra
(Through Khar Police Station)
C.R. No.828 of 2024, U/s. 115(2), 118(1),
351(2)(3), 352 r/w 3(5) of
Bhartiya Nyaya Sanhita, 2023. ... Respondent

With

Interim Application No.4071 of 2024

In

Anticipatory Bail Application No.2735 of 2024

Viren Vinod Motwani
Adult, Aged about 26 years,
Currently residing at
Neera CHS, Flat No.401,
15th Floor, Khar West,
Mumbai – 400 052 ... Applicant

In the matter between

1. Zahid Abdul Wahid Shaikh,
Age-21 years, Occ- Student
Residing at Fatakdi Chawl No.5,
Room No.16, Dr Annie Besant Road,
Opp M.ICO, Worli, Mumbai - 400018
2. Devraj Prakash Waghela
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v/s.

The State of Maharashtra
(Through Khar Police Station)
C.R. No.828 of 2024, U/s. 115(2), 118(1),
351(2)(3), 352 r/w 3(5) of
Bhartiya Nyaya Sanhita, 2023 ... Respondent

....

Mr Sharikh M Khan, for the Applicants.
Ms Supriya Kak, APP, for Respondent- State.
Mr Monish Bhatia, a/w Ms Sheetal Punjabi, for the Intervenor.

....

Coram : R.N. Laddha, J.
Date: 16 October 2024.

P.C. :

Heard Mr Sharikh M Khan, the learned Counsel appearing for the applicants; Ms Supriya Kak, the learned Additional Public Prosecutor, representing the respondent/ State, and Mr Monish Bhatia, the learned Counsel for the

intervener.

2. This is an application for pre-arrest bail filed by the applicants, apprehending arrest in CR No.828 of 2024, registered at Khar Police Station, Mumbai, for offences punishable under Sections 115(2), 118(1), 351(2)(3), 352, 3(5) of the Bhartiya Nyay Sanhita, 2023.

3. The prosecution alleges that on 2 September 2024, at about 11:00 p.m., the applicants along with the co-accused, in furtherance of their common intention, assaulted the first informant using fists, kicks and a helmet.

4. Mr Sharikh Khan, the learned Counsel for the applicants, submits that the applicants have been falsely implicated in the present crime. The only role attributed to the applicants is that they abused and beat the informant with fist and kick blows. The co-accused allegedly used the helmet to assault the informant. There are no allegations of using any weapon by this applicants.

5. Ms Supriya Kak, the learned APP, and Mr Monish Bhatia, the learned Counsel appearing on behalf of the informant,

jointly submit that the allegations are serious. The applicants along with the co-accused, in furtherance of their common intention assaulted the informant.

6. This Court has appreciated the rival contentions and perused the material on record.

7. The allegations against the applicants are that they along with the co-accused, in furtherance of their common intention, assaulted the informant. Admittedly, the applicants did not use any weapon. The role attributed to the applicants in the crime is that they abused and beat the informant by fist and kick blows. The investigation is at the verge of completion, and nothing is to be recovered from the applicants.

8. Considering the nature of the allegations and the fact that the investigation is almost complete, this Court is inclined to grant anticipatory bail to the applicants. Hence, the following order:

ORDER

(i) In the event of the applicants' arrest in connection with CR No.828 of 2024,

registered at Khar 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 tamper with the evidence or influence the witnesses.

9. The application stands disposed of accordingly. As a sequel, the interim application also stands disposed of.

[R.N. Laddha, J.]