

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

Anticipatory Bail Application No. 3243 of 2024

Shahid Ali Jamil Ahmad Churihar
Aged about 24 years, Occ. Service,
Indian Inhabitant,
Add. R.N.CEN 67/27 61,
Bhandari Street, 90 Feet Road,
Ganesh Nagar, Charkop,
Kandivali West, Mumbai – 400 067.

... Applicant

Versus

1. The State of Maharashtra through
Public Prosecutor, PWD Build,
High Court, Mumbai -1.
and
2. The Sr. Inspector Police, Kandivali
Police Station, Kandivali West, Mumbai.

... Respondents

With

**Interim Application No. 5032 of 2024
in**

Anticipatory Bail Application No. 3243 of 2024

Mubarak Ali Abdul Mobin Manihar
Age 41 years, R/at. Jay Bharat,
Seva Society, Ganesh Nagar,
Charkop, Kandivali West,
Mumbai – 400 067.

...Applicant/
Intervenor

In the matter between

Shahid Ali Jamil Ahmad Churihar

Aged 24 years,

Add. R.N.CEN 67/27 61,

Bhandari Estate, 90 Feet Road,

Ganesh Nagar, Charkop,

Kandivali West, Mumbai – 400 067.

... Applicant

Versus

1. The State of Maharashtra through

Public Prosecutor, PWD Build,

High Court, Mumbai -1.

and

2. The Sr. Inspector Police, Kandivali

Police Station, Kandivali West, Mumbai.

... Respondents

With

Anticipatory Bail Application No. 3307 of 2024

Abdul Wahid Jamil Ahmad Churihar

Aged about 26 years, Occ. Service,

Indian Inhabitant,

Add. R.N. CEN 67/27 61,

Bhandari Street, 90 Feet Road,

Ganesh Nagar, Charkop,

Kandivali West, Mumbai – 400 067.

... Applicant

Versus

1. The State of Maharashtra through

Public Prosecutor, PWD Building,

High Court, Mumbai -32.

and

2. The Sr. Inspector Police, Kandivali
Police Station, Kandivali West, Mumbai. ... Respondents

Mr Syed Ejaz Abbas Naqvi, for the applicant in both ABAs.
Ms Sanjana Pardeshi, for the intervenor in ABA/3243/2024.
Mr Amit Palkar a/w Mr Arfan Sait, APP, for the respondent/
State.
IO PSI Mekhale, Kandivali Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.
Date: 10 December 2024.

P.C.:

Heard Mr Syed Ejaz Abbas Naqvi, the learned Counsel appearing on behalf of the applicants; Mr Amit Palkar, the learned Additional Public Prosecutor representing respondent/State and Ms Sanjana Pardeshi, the learned Counsel for the intervenor.

2. The applicants are apprehending their arrest in connection with CR No.876 of 2024, registered at Kandivali West Police Station, Mumbai, for the offences punishable under Sections 118(1), 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to the prosecution on 5 October 2024, the

applicants, along with the co-accused, acting in furtherance of their common intention, assaulted the informant and one Upesh Mehta using wooden sticks. This attack caused grievous injuries to both victims.

4. The applicants sought anticipatory bail, which was denied by an order dated 16 November 2024. The Sessions Court held that the ongoing investigation necessitated the applicants' custodial interrogation to uncover further details of the case.

5. The learned Counsel appearing on behalf of the applicants, submits that the applicants have been falsely implicated in the present case. He pointed out that a cross FIR has been filed against the informant. Furthermore, two co-accused individuals have already been granted regular bail. The applicants have no criminal antecedents.

6. On the other hand, the learned Additional Public Prosecutor representing the respondent/State along with the learned Counsel for the intervenor, strongly opposed the bail application. They contended that the applicants, in furtherance of their common intention, with the co-accused, assaulted the informant and Upesh Mehta with bamboo sticks, inflicting grievous injuries. The learned APP emphasised the grave and serious nature of the offence, supported by statements from the

injured parties and eyewitnesses that implicate the applicants. The investigation is at the preliminary stage and the weapons used in the crime by the applicants are to be recovered.

7. This Court has considered the material on record in light of the rival submissions. The statement of the injured parties and the eyewitnesses suggest the applicants involvement in the crime. The injury certificates further corroborate the allegations of grievous injuries sustained by the informant and Upesh Mehta. The investigation is in progress, and the weapons allegedly used by the applicants in the crime are yet to be recovered. In these circumstances, custodial interrogation of the applicants would be necessary. Resultantly, this Court is not inclined to exercise its discretion in favour of the applicants. Accordingly, the applications stand rejected. As a sequel, the pending interim application(s) also disposed of.

[R.N. Laddha, J.]