



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

ANTICIPATORY BAIL APPLICATION NO. 866/2025

TIPU ALIAS TIPUSULTAN IRAFAN SHAIKH ..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Mr. Veerdhaval Kakade for applicant.

Mr. A. S. Shalgaonkar, APP for State.

PSI Atul Bankar, Sadar Bazar Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 8, 2025.

P.C. :

1. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.300/2024 registered with the Sadar Bazar Police Station, for the offence punishable under Sections 143, 147, 149, 323, 326, 324, 504, 506 of the Indian Penal Code.

2. On the basis of the complaint, an FIR has been lodged. However, the role of the present applicant has been mentioned in the complaint. In all four accused and two unknown persons committed the present crime as mentioned in the FIR. The present applicant is accused no.3. The accused no.1 has been granted regular bail after

being arrested. Accused nos.2 and 4 have been granted pre-arrest bail by the Sessions Court.

3. It is submitted on behalf of the applicant that the main role in the present crime as alleged was that of accused no.1. The injury caused to the informant is not on the vital part. As far as the informant is concerned, there are other crimes reported against him. The present applicant has no criminal antecedents, and he is 25 years of age and for his livelihood, he is doing scrap business. The custody of the present applicant is not necessary, and he is ready to abide by the conditions imposed by the Court. The present applicant has attended the office of the IO at least three times.

4. On behalf of the State, the learned APP submitted that the present applicant has been absconding. Other accused have been applied for bail after being arrested and they have granted bail. The victim was hospitalized and there is grievous injury to him. The applicant has used stump to hit the informant. The stump still to be recovered. Therefore, the custody of the present applicant is necessary.

5. I have heard the learned counsel for the applicant and the learned APP for State. I have considered the documents on record

including the FIR.

6. The role attributed towards the present applicant is not major. The major role attributed to the accused no.1 who has been arrested and granted bail. It is pertinent to note that there are no criminal antecedents reported against the present applicant. He is 25 years of age and he is scrap dealer. As far as the informant is concerned, there is already crime registered against him and according to the present applicant, the informant is absconding and not to be seen in the vicinity. Accused nos.2 and 4 have also been granted pre-arrest bail by the Sessions Court as per the submissions made by the learned APP. The applicant has shown his willingness to attend and cooperate with the IO. As the learned APP has submitted that the police are in the process of completing the investigation and filing the charge-sheet, according to me, *prima facie*, at this stage, the custody of the present applicant would not be necessary. Hence, the following order.

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with FIR No.300/2024 registered with the Sadar Bazar Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/-

with one or two sureties of the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.

(e) The applicant shall attend the concerned police station and meet the IO on 16/4/2025 and 17/4/2025 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called for.

7. Needless to say that violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of this anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

8. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)