

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

Anticipatory Bail Application No. 3413 of 2024

Zafruzzama Alias Zafrul Khan
Aged about 30 years, Occ: Service,
R/o. Room No.709, Mhada Building,
D-3, SM Road. Opp. Fire Brigade,
Wadala East, Mumbai – 400 037.

... Applicant/
Accd No.5

versus

The State of Maharashtra
(At the instance of L. T. Marg Police Station) ... Respondent

Ms Nafeesa Khan a/w Mr Nizamuddin Khan a/w Ms Shaba N
Khan, for the Applicant.

Mr Yogesh Y Dabke, APP, for Respondent / State.

API Vikram Patil, L T Marg Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 19 June 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.868 of 2024, registered at LT Marg Police Station, Mumbai, for offences punishable under Sections 115(2), 118(1), 140(2), 140(3), 189(2), and 189(4) read with 3(5) of the Indian Penal Code.

2. It is the case of the prosecution that, in 2020, the informant opened an account with Rapi Pay Infotecks Pvt Ltd to support his former employer's money transfer business. However, in 2022, his employer closed the business and relocated to Kolkata. Despite this, Parvez Khan, Badrul Khan, and the applicant continued to operate the money-transfer account without the informant's knowledge. In October 2024, Parvez Khan contacted the informant and demanded that he visit Bangalore to resolve a complaint regarding misappropriation of funds from his money transfer account. The informant declined to go and resolve the issue. Subsequently, Parvez Khan called the informant and requested him to meet in Kalbadevi. Upon arrival, the informant found Parvez Khan, along with Sadiq Siddiqui, Sarfaraz, Saud Qureshi, the applicant, and an unidentified individual. The informant explained that he had no knowledge of the alleged fraud, as Parvez and the applicant operated the account. However, the accused forcibly shoved the informant into a taxi and drove him to Kurla. There, Sadiq assaulted the informant with a stick, while the other co-accused, including the applicant, attacked him with fists and kicks blows. Sadiq accused the informant of causing financial losses and threatened to kill him if he didn't pay Rs.30 lakhs.

3. Ms Nafeesa Khan, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that he has been falsely implicated in the crime. The role of the applicant is limited to allegedly assaulting the informant with punches and kicks. Furthermore, the learned Counsel submits that the co-accused, Parvez, who is at parity with the applicant, has already been granted pre-arrest bail by this Court on 6 January 2025 in ABA No.3592 of 2024. Moreover, the alleged weapon used by the co-accused has already been recovered. Nothing remains to be recovered or discovered from the applicant. The applicant is ready and willing to abide by any conditions if released on bail.

4. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicant and the co-accused, in furtherance of their common intention, assaulted the informant. The material on record discloses reasonable grounds to believe the applicant's involvement in the crime. However, the learned APP acknowledges that the investigation is nearing completion, a charge sheet will be filed shortly, and nothing remains to be recovered or discovered from the applicant.

5. Upon perusing the records, it appears that the only role

attributed to the applicant is that of assaulting the informant with fists and kicks blows. The weapon allegedly used in the crime by the co-accused has already been recovered, and there are no allegations of the use of any weapon by the applicant. There is nothing to be recovered or discovered at the applicant's behest. Furthermore, the co-accused has also been released on bail. The learned APP fairly concedes that the investigation is almost complete, and a charge sheet will be filed shortly. In these circumstances, this Court deems it fit to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.868 of 2024, registered at LT Marg Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)