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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 868 OF 2025

MOHAMMED SHAKIL SHAFI KHAN APPLICANT

VERSUS

THE STATE OF MAHARASHTRA RESPONDENT

Adv. Imran Shaikh a/w. Adv. Faraz Khan, i/b. Adv. Ruby Shaikh for the Applicant.

Ms. Supriya Kak, A.P.P. for the State.

Adv. Anees Shaikh a/w. Adv. Sufian Qureshi, Adv. Athar Qureshi for the Intervener.

CORAM : RAJESH S. PATIL, J.

DATE : 17th APRIL, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 0234/2025 dated 10th March, 2025 registered with Ghatkopar Police Station, Greater Mumbai for the offences punishable under Sections 115(2), 118(2), 3(5), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023.

2. Mr. Imran Shaikh, the learned counsel appearing on behalf of the applicant submits that the present applicant is arraigned as

accused no.4. The present applicant has no role to play in the present crime. He was not present at the site when the alleged incident occurred. Infact, he was inside the holy place, offering his Namaj. The only reason for arraigning the name of the present applicant is that he is the brother of the accused no.2. He is a hawker, having his stall nearby the Masjid. In the CC TV footage, the present applicant is not been seen.

3. In the present crime, a cross FIR was filed by Mr.Shehzan Ayub Khan against the first informant in the present crime and the persons involved alongwith him. In the said cross FIR, the accused therein were arrested and are granted regular bail.

4. Considering the fact that the present applicant – accused no.4 is not seen in the CC TV footage holding any weapon or involved into the fight, which unfortunately occurred in the holy place, according to me, *prima facie*, at this stage, the present applicant needs to be protected. Hence, the following order :-

ORDER

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

(b) In the event of arrest in connection with Crime No.

0234/2025 dated 10th March, 2025 registered with

Ghatkopar Police Station, Greater Mumbai for the offences punishable under Sections 115(2), 118(2), 3(5), 351(3), 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.25,000/- with one or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station on 22nd April 2025 and 23rd April 2025 between 11:00 a.m. to 1:00 p.m. and thereafter as and when called.

(d) The applicant should not directly or indirectly contact the first informant.

(e) 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 further, the applicants shall not tamper with the evidence in any manner whatsoever.

(f) The applicant shall furnish details of his residential

addresses, contact numbers and e-mail addresses to the Investigating Officer.

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

6. **The anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]