

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

Anticipatory Bail Application No. 1632 of 2025

Saddamhusen Abbasali Khan

Age-29 years, Occupation: Business

Residing at 104, Mona Apartment,

N.H.No.8, Vapi, Near Green View Hotel,

Pardi Vapi, Valsad, Gujarat - 396191

... Applicant

Versus

The State of Maharashtra

Through Samta Nagar Police Station

... Respondent

Mr SI Kantharia, i/b. Ms Asmitaa Bhoir, for the applicant.

Mr YM Nakhwa, APP, for the respondent/ State.

PI Ajitsingh Rajput, Samta Nagar Police Station, is present.

Coram: R.N. Laddha, J.

Date: 21 August 2025.

P.C.:

Heard learned Counsel for the applicant and learned APP representing the respondent/ State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.981 of 2024, registered at Samata Nagar Police Station, Mumbai, for offences punishable under Sections 309(4), 118(2), 115(2), 126(2), 324(2), 3(5) and

61(2), Bharatiya Nyaya Sanhita (BNS), 2023.

3. It is the case of the prosecution that the informant, employed as a Scrap Management Consultant with Waree Energy, Gujarat, was first assaulted on 14 November 2024 by two unknown assailants, in respect of which NC No.1491/2024 was lodged at Kasturba Police Station. Thereafter, on 16 December 2024, while travelling in his Honda City car near the Bhor Junction signal, he was intercepted by three unknown individuals who assaulted him with rods, causing injuries, including a fracture in his right leg. In consequence, the present crime was registered against three accused persons for the relevant offences. During the course of the investigation, the present applicant's name surfaced on account of monetary transfers received in his account from the co-accused and telephonic contacts with them.

4. Learned Counsel for the applicant contends that the applicant has been falsely implicated. It is urged that the applicant is a sub-vendor in the scrap business and had legitimate business transactions with the co-accused, who are scrap dealers. The applicant is neither named in the FIR nor identified as one of the assailants. There is no material showing his presence at the scene of the crime. Reliance placed by the

prosecution on Call Detail Records (CDRs) and business transactions is insufficient to impute criminal intent. It is further submitted that the applicant is a permanent resident of Gujarat, has no antecedents, is not a flight risk, and is ready to cooperate with the investigation. The investigation is complete, and the charge sheet has already been filed; hence, custodial interrogation is not warranted.

5. The learned APP opposes the application, submitting that the informant was brutally assaulted by the accused with iron rods and that the co-accused had transferred amounts to the account of the present applicant. However, the learned APP fairly concedes that the investigation in the present case has been concluded, the charge sheet filed, and nothing remains to be recovered or discovered from the applicant.

6. Upon perusal of the material placed on record, it is evident that the applicant is not named in the FIR nor identified as one of the assailants. The allegations against the applicant rest primarily on business transactions with the co-accused and telephonic contacts, which by themselves do not establish a prima facie case of conspiracy in the absence of corroborative material. The investigation has been concluded and the charge sheet has already been filed. No custodial interrogation of the applicant is necessary. The applicant has no

criminal antecedents, is a permanent resident, and has expressed willingness to cooperate with the investigation.

7. In these circumstances, this Court is of the considered opinion that custodial protection deserves to be extended to the applicant.

Order

- (i) The application is allowed.
- (ii) In the event of arrest in connection with C.R. No.981 of 2024 registered with Samata Nagar Police Station, Mumbai, the applicant shall be released on bail on executing a personal bond of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the trial proceedings regularly and cooperate with the trial Court for expeditious disposal of the case.
- (iv) The applicant shall not tamper with prosecution evidence or influence witnesses.

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]