

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1796 OF 2025

1. Mohd. Zubair Siddiq Memon
2. Imtiyaz A. Shiakh ...Applicants
V/s.
The State of Maharashtra & Anr. ...Respondents.

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Mr. Anup Lahoti for the Applicants.
Mr. T.G. Khan, APP for the Respondent/State.
Mr. Milan Desai a/w. Mr. Zafar Gujar for Respondent No.2.

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CORAM : N.R. BORKAR, J.
DATE : 14.10.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicants are apprehending their arrest in Crime No.584 of 2025 registered at Malwani Police Station for the offences punishable under Sections 109, 118(1), 189(2), 189(4), 190, 191 (2) of the Bharatiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that on 9th May 2025, a dispute arose between the first informant and his friends on one side and the present applicants and their friends on the other side, on account of damage caused to the car of the first informant's friends Faizan Siddiqui. It is alleged that during the said dispute the present applicants and other co-accused assaulted the first informant with a knife, thereby causing grievous injuries to him with an intention to commit his murder.

4. I have heard learned counsel for the applicants, learned APP for the respondent/State and the learned counsel for the respondent No.2/first informant.

5. Learned counsel for the applicants submits that no specific *overt-act* is attributed to the present applicants. It is submitted that nothing is to be recovered at the instance of applicants and therefore, there is no need of custodial interrogation.

6. On the other hand, learned APP for the respondent/State and the learned counsel for the respondent No.2/first informant submit that the applicant No.1- Mohd. Zubair is involved in three more crimes and has not disclosed about his criminal antecedents in the present application. It is submitted that the witness Mohd. Ziya alias Faizan Siddique was brought to the place of incident at gun point by applicant No.1. It is further submitted that specific *overt-act* of assaulting with sticks is attributed to the present applicants. It is submitted that the applicants therefore, may not be released on anticipatory bail.

7. I have perused the FIR and the statement of Mohd. Ziya alias Faizan Siddique. The applicant No.1 is involved in three crimes and has not disclosed about his criminal antecedents in the present application. It appears from the statement of Mohd. Ziya alias Faizan Siddique that he was brought to the place of incident at gun point by the applicant No.1. In that view of the matter, I am not inclined to release applicant No.1 on anticipatory bail.

8. As far as applicant No.2 is concerned, no specific *overt-act* is attributed to him. There are no other criminal antecedents against applicant No.2. In that view of the matter, I am inclined to release the applicant No.2 on anticipatory bail on certain conditions. In the result, the following order is passed.

ORDER

A) Anticipatory Bail Application *qua* the applicant No.1 is rejected.

B) In the event of arrest of applicant No.2 in C.R. No.584 of 2025 registered at Malwani Police Station for the offences punishable under Sections 109, 118(1), 189(2), 189(4), 190, 191 (2) of the Bharatiya Nyaya Sanhita, 2023, he be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety or two sureties in the like amount.

C) The applicant No.2 shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate with the investigation

D) After filing of charge-sheet, the applicant No.2 shall attend the concerned police station once in a month, i.e., on 1st Saturday between 11.00 am to 2.00 p.m. till conclusion of trial.

- E) The applicant No.2 shall not commit any other crime.
- F) The State is at liberty to file an application for cancellation of anticipatory bail if the applicant No.2 commits breach of any of the above conditions.
- G) The Application is disposed of accordingly.

[N.R.BORKAR, J.]