

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

Anticipatory Bail Application No.2093 of 2025

Razeen @ Ravis Shahebaaz Momin

Age: 19 yrs Occ: Student,

R/at 1132, Flat No.108,

First floor, D Wing, City Tower

Behind Arif Garden, Vanjarpatti

Naka, Nashik road, Bhiwandi,

Dist. Thane-421 302.

... Applicant.

Vs.

The State of Maharashtra

Through Nizampura Police Station

Bhiwandi, Dist: Thane.

CR No.365/2025.

... Respondent.

Mr Shrikant Rathi for the applicant.

Mr Anand Shalgaonkar, APP for the respondent / State.

Mr Shivaji Tukaram Patil, Nizampura Police Station, Thane.

Coram : R.N.Laddha, J.

Date : 29 July 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.365 of 2025, registered at Nizampura Police Station, Thane city, for offences punishable under Sections 115(2), 118(2), 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 7 April 2025, at about 6:00 p.m., while the applicant was returning home from the market, he, along with the co-accused, acting in furtherance of a common intention, physically assaulted the informant by delivering blows of fists and kicks. It is further alleged that after the informant and his father left the scene, the applicant returned and struck the informant on the calf with a wooden bat. Subsequently, the co-accused, Sumet, is said to have assaulted the informant's father using a wooden log.

3. The learned Counsel appearing on behalf of the applicant argues that the applicant has been falsely implicated and asserts his innocence. He submits that the injury sustained by the informant, including the alleged fracture, was not caused by the applicant but by the co-accused. The CCTV footage of the incident, reveals a narrative inconsistent with the prosecution's version. There is an inordinate and unexplained delay in lodging the FIR. The learned Counsel points out that although the alleged incident took place on 7 April 2025, the FIR was registered only on 9 April 2025. He further submits that the wooden bat allegedly used by the applicant has already been seized

by the investigating agency. Even as per the prosecution's own case, the injury inflicted upon the informant's calf is categorised simple in nature. He highlights that the co-accused have already been granted anticipatory bail by the Sessions Court. With the investigation concluded the applicant's custodial interrogation serves no purpose. The applicant, a 19-year-old youth with no criminal antecedents, is ready and willing to comply with any conditions imposed by this Court.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request and contends that the offence is of a serious nature. He submits that the applicant was directly involved in assaulting the informant with a wooden bat. The prosecution expresses concern that if the applicant is granted pre-arrest bail, there is a likelihood that he may tamper with evidence or exert influence on witnesses.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. Upon a bare reading of the records, more particularly

the contents of the FIR, it appears that the applicant is accused of having assaulted the informant by striking his calf with a wooden bat. Admittedly, the said wooden bat has already been recovered by the investigating agency. Furthermore, the nature of the injury sustained by the informant as a result of the alleged act has been classified as simple. Additionally, the co-accused in the case have already been granted anticipatory bail by the Sessions Court.

7. In light of these circumstances, and considering that no further recovery or discovery remains to be effected from the applicant, the custodial interrogation of the applicant does not appear to be warranted. Accordingly, this Court finds it appropriate to allow the application. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in CR No.365 of 2025, registered at Nizampura Police Station, Thane city, 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 by the investigating officer.

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

8. The application stands disposed of accordingly.

[R. N. Laddha, J.]