

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3165 OF 2025

Farim @ Khatijabi Zakirali Shaikh
V/s.

...Applicant

The State of Maharashtra & Anr.

...Respondents.

.....
Mr. Ganesh Gole i/b Mr. Shirodkar Ateet for the Applicant.
Mr. V.N. Sagare, APP for the Respondent/State.
Mr. Pradeep Havnur for the Respondent No.2/First Informant.
PI Sudarshan B. Gaikwad, Bandra Police Station is present.
.....

CORAM : N.R. BORKAR, J.
DATE : 01.12.2025.

P.C. :

1. This is an application for anticipatory bail.
2. The applicant is apprehending her arrest in Crime No. 532 of 2025 registered at Bandra Police Station for the offences punishable under Sections 111, 103(1), 109, 189(2), 191(2), 191(3), 190, 61(2)(c), 118(1), 115(2), 49, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita and Section 4 read with 25 of the Indian Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act.
3. According to the prosecution, on the date of incident which took place on 10th April 2025, the present applicant along with other co-accused formed an unlawful assembly and assaulted the deceased and injured person with sharp weapons on account of some property dispute.

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

5. Learned counsel for the applicant submits that the applicant has nothing to do with the alleged crime. It is submitted that no role was attributed to the applicant in the first information report lodged on 11th April 2025. It is submitted that for the first time in the supplementary statement, recorded on 17th April 2025, the first informant has made vague allegations suggesting that the present applicant assaulted the deceased. Learned counsel for the applicant has drawn my attention to the transcript of C.C.T.V. footage. It is submitted that transcript does not disclose any *overt-act* to the applicant. It is submitted that nothing is to be recovered at the instance of the applicant and therefore, there is no need of custodial interrogation. Learned counsel for the applicant submits that the prosecution has filed the charge-sheet against the other co-accused.

6. Learned APP for the respondent/State and learned counsel for the respondent No.2/first informant submit that the applicant is involved in a serious crime of murder. It is submitted that the present applicant was a part of the unlawful assembly. Learned APP submits that the present applicant had instigated the co-accused to kill the deceased and there are witnesses to that effect. It is further submitted that the applicant is absconding since the date of registration of crime.

7. I have perused the charge-sheet. In the FIR, there is no reference of the present applicant. However, in the supplementary statement recorded on 17th April 2025, for the first time some *overt-act* is attributed to the present applicant. However, the transcript of CCTV footage does not disclose any such *overt-act*. The prosecution has already filed the charge-sheet against the other co-accused. In that view of the matter, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed.

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No.532 of 2025 registered at Bandra Police Station for the offences punishable under Sections 111, 103(1), 109, 189(2), 191(2), 191(3), 190, 61(2)(c), 118(1), 115(2), 49, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita and Section 4 read with 25 of the Indian Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act, she 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 shall not enter into the jurisdiction of Bandra Police Station till conclusion of trial.
- D) Needless to mention that the observations made in this order are *prima facie*.

[N.R.BORKAR, J.]