

**IN THE COURT OF SESSIONS FOR GR.MUMBAI AT DINDOSHI
BORIVALI DIVISION, MUMBAI**

ANTICIPATORY BAIL APPLICATION NO.874/2018

(CNR NO.MHCC05-003165-2018)

Mohd. Ali Mohd. Sayeed Shaikh Applicant.
V/s.

The State of Maharashtra
(through Kandivali police Station) Respondent.

Advocate Mr.SM Deshpande for applicant.
APP Mr.Salunke for State.

**CORAM : HIS HONOUR JUDGE
SHRI A.T.WANKHEDE
(C.R. No.14)
Date : 23rd July 2018.**

-ORDER-

1 Applicant/accused is asking for grant of anticipatory bail, in connection with C.R. no.304/18 registered with Kandivali police station for offences punishable u/s 143, 144, 147, 148, 149, 307, 506(2) of IPC r/w 37(1)(a) with 135 of Maharashtra Police Act.

2. It is contended by applicant/accused that he is falsely roped in the crime. There is no role played by applicant which is evident from FIR. There is no overt act of applicant. There is cross case vide CR no.303/18 lodged by Mohd. Ibrahim Khan against complainant. This report is an afterthought lodged by complainant against applicant and others with ulterior motive. In fact, complainant and others were actual aggressor for the incident. Applicant is a young boy of 23 years old. Nothing is to be recovered from him, Hence, there is no need of police custody of applicant/accused. As such applicant/accused prayed for grant of anticipatory bail.

3. The learned APP opposed the application on the ground that

applicant accused was one of the member of unlawful assembly. They assaulted informant and one Shamim. Injured Shamim sustained grievous injury to his left hand. Offence is of serious nature. Investigation is in progress. If applicant is released on bail, possibility of tampering of witnesses can not be ruled out. Hence, urge to reject application.

4. Heard learned counsel for applicant and APP. Perused police papers.

5. On going through contents of the report, there are specific allegations against applicant/accused that he was a member of unlawful assembly, who were holding weapon such as sword, sickle, bamboo and iron rod. It is also alleged that some one has assaulted the injured on his head from backside. Injury sustained to one of the injured Shamim is of grievous nature. The quarrel erupted for the reason of torn of banner of Ramzan Id. There appears to be rivalry between two groups. Considering this aspect if applicant/accused is released on bail, possibility of tampering of witnesses and re-occurrence of such incidents can not be ruled out. Moreover, investigation is in progress. Custody of applicant/accused deems to be necessary for the purpose of investigation. As such, applicant/accused do not deserve for grant of anticipatory bail. Hence , the order.

ORDER

1. ABA No.874/18 is hereby rejected and disposed of accordingly.

23/07/2018

(A. T. Wankhede)

Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai

Dictated on : 23/07/2018
Transcribed on : 25/07/2018
Signed by HHJ on : 25/07/2018

“CERTIFIED TO BE TRUE AND CORRECT COPY OF the ORIGINAL
SIGNED JUDGEMENT/ORDER.”

Uploaded on:26/07/2018 at:11.50 pm S.G.Steno:Mrs.C.S.Sonawane

Name of the Judge (with Court room no.)	HHJ Shri A.T.Wankhede Court Room no.14
Date of pronouncement of judgment/order:	23/07/2018
Judgment/order signed by P.O. on	25/7/2018
Judgment/order uploaded on	26/07/2018

ABA No.874/18

4

ORDER

