

147, 149, 323, 452, 324 and 506 (2) of Indian Penal Code, 1860 and Section 7 of the Criminal Law Amendment Act, 1933.

5. The first informant lodged a report with the allegations that on 21st August 2023 the named accused Shifan Hashmi along with his 20 to 22 associates barged into the hotel premises, formed an unlawful assembly and in prosecution of the common object of unlawful assembly, the said Shifan Hashmi assaulted him by means of iron fighter and he sustained bleeding injuries.

6. Mr. Pathak, the Counsel for the Applicant submitted that the learned Sessions Judge declined to exercise the discretion in favour of the applicant on the ground that at that stage there was no apprehension and the applicant was allegedly one of the unknown persons.

7. Mr. Gaikwad, the learned APP, on instructions, submits that the applicant is the very same Shifan Hashmi, who allegedly assaulted the first informant.

8. *Prima facie* from perusal of the order passed by the learned Sessions Judge it appears that the prayer for pre-arrest bail was opposed before the Court of Sessions on the

ground that the applicant was not named in the FIR and there was no apprehension of arrest. The question of identity of the applicant as the very same Shifan Hashmi, the principal accused, warrants investigation.

9. I am, therefore, inclined to grant interim protection, while directing the applicant to join in the investigation. If the investigation reveals the fact that the applicant is the very person to whom the first informant named 'Shifan Hashmi', the said fact can be considered while finally adjudicating the prayer for pre-arrest bail.

10. Hence, the following order:

ORDER

(i) In the event of arrest in C.R. No. 528 of 2023 registered with Parksite Police Station, Mumbai, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

(ii) The applicant shall co-operate with the investigation and attend Parksite Police Station on 26th, 27th and 29th September 2023 in between 10.00 am to 01.00 pm.

(iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any person acquainted with the facts of the case.

(iv) Stand over to 12th October 2023.

(N. J. JAMADAR, J.)