

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 413 OF 2015**

Shaneali Kallu Khan & Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Nilesh Pavaskar i/b Ms. Savita Gangadhar Randhe for the Applicants

Mr. S. H. Yadav, A.P.P for the Respondent-State

PSI Mr. S. J. Ghatge from Kasturba Marg Police Station is present

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 26TH MARCH, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 133 of 2014 registered with the Kasturba Marg Police Station, Mumbai, for the alleged offences punishable under Sections 452, 352, 268, 278, 504, 506 r/w 34 of the Indian Penal Code.

3. The complainant Shyam Jha is a doctor running a clinic at Shri Sai Day Care Centre at Shop No. 4, Daulat Nagar, S. V. Road, Borivali (East). According to the complainant, the applicants were known to the complainant since 2007 and they had cordial relations between them. It is alleged by the complainant that one lady by the name Madina Pirzade was working as a compounder in his clinic and had committed suicide in 2013. It is alleged by the complainant that both the applicants were instigating the residents to lodge a complaint with the Police Station as against the complainant with respect to the suicide committed by Madina. It is also alleged in the FIR that the applicants asked the complainant to embrace Islam religion, after which, they would cease to harass him. It is also alleged by the complainant that the applicants were compelling the complainant to close his clinic at the time of Namaaz and were throwing garbage in front of his clinic. It is also alleged that the applicants would deliberately increase the volume of the loudspeaker at the time of Namaaz as well as during Moharram. According to the complainant, apart from the aforesaid acts of the applicants, on 13th September, 2013, the applicants had an altercation with the complainant regarding the garbage being thrown and that the applicants had threatened to assault the complainant.

4. Learned Counsel for the applicants submitted that considering the nature of allegations, the custodial interrogation of the applicants is not required. He submitted that although the incident in question had taken place on 13th September, 2013, the complaint was lodged only on 18th September, 2013. Learned A.P.P opposed the application.

5. Considering the nature of allegations levelled as against the applicants, the custodial interrogation of the applicants is not necessary. However, considering the threatening by the applicants, ends of justice would be met if certain stringent conditions are imposed on the applicants. Accordingly, the applicants are enlarged on bail, in the event of their arrest, on the following terms and conditions :

ORDER

(I) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount ;

- (ii) The applicants shall report to the Investigating Officer of the Kasturba Marg Police Station on the 1st and 3rd Saturday of every month between 10.00 a.m. to 11.00 a.m. for a period of two months from today;
 - (iii) The applicants shall not intimidate or attempt to contact the complainant or any other witness concerned with the said case;
 - (iv) The applicants shall co-operate with the Investigating Agency.
6. It is made clear that the aforesaid observations are *prima facie*.
7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.