

Amk

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

ANTICIPATORY BAIL APPLICATION NO. 838 OF 2016

Javed E. Shaikh & Anr.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1094 OF 2016**

Anwar E. Shaikh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1095 OF 2016**

Shabana J. Shaikh & Ors.	.. Applicants
Vs.	
The State of Maharashtra	.. Respondent

Mr. R. V. Sipahimalani for the Applicants.
Ms. S. S. Kaushik, APP for the State.

CORAM : N. W. SAMBRE, J.
DATE : 30th NOVEMBER, 2016.

P. C. :

1. Bail Application No.838 of 2016 is filed by applicants seeking regular bail in Crime No. 257 of 2016 for the offence punishable under Sections 354, 34 of the Indian Penal Code, Bail Application No. 1094 of 2016 is filed by the applicant seeking regular bail in Crime No.270 of 2016 for the offence punishable under Section 354 of the Indian Penal Code and Bail Application No. 1095 of 2016 is filed by the applicants seeking

regular bail in Crime No. 284 of 2016 for the offences punishable under Sections 323, 324, 354, 504, 506(ii) read with 34 of the Indian Penal Code.

2. All these three complaints are registered by the alleged tenants of Chotu Hasan Chawl.

3. It is claimed by the applicants that on the issue of redevelopment, there were differences in between the complainants, other tenants and the present applicants. As a consequence of the same, the quarrel ensued between the parties resulting in registration of the crime in question.

4. It is then claimed that at the behest of the applicants, Crime Nos. 256 of 2016, 259 of 2016 and 283 of 2016 are registered against the other complainants thereto. In this background, a case is sought to be put forth that in view of the above referred differences qua accommodation of the premises which are admittedly owned by the present applicants, the applicants are implicated in false offences. Furthermore, it is claimed that the custodial interrogation of the applicants is not necessary as the false implication of the applicants cannot be ruled out in view of counter FIRs against the complainants.

5. While opposing the claim, the learned APP submits that there are series of crime registered against the applicants which speak their

criminal mind. It is also urged that the custodial interrogation of the applicants is necessary for recovery of the mobile phones in which the applicants claimed to have video-graphed the movements of the complainants.

6. Perused the investigation papers and other material as is available. Prima facie it could be inferred that the differences between the complainants and the applicants are on the issue of the accommodation. It is then to be noted that there are counter FIRs and in such eventuality, particularly, in the background of the dispute qua accommodation the false implication cannot be ruled out.

7. In view thereof, in the event of arrest in Crime Nos. 257 of 2016, 270 of 2016 and 284 of 2016 registered with the non-applicant, the applicants be released on P.R. Bond of Rs.25,000/- with one or two sureties in the like amount. The applicants shall attend the police station as and when called by the Investigating Officer. The applicants shall not tamper with the prosecution evidence and influence the witnesses.

8. All the Bail Applications are, accordingly, disposed of.

[N. W. SAMBRE, J.]