

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1145 OF 2016

Mehboob Salim Qureshi @
Wasim and anr.

.....Applicants

V/s.

State of Maharashtra

.....Respondent

* * * * *

Smt. Pranali Kakade i/by. Subhash Hulyalkar, Advocate for the
applicants.

Smt. Rutuja Ambekar, APP for respondent, State.

CORAM :- N.W. SAMBRE, J.

DATED :- 21st NOVEMBER, 2016.

P.C. :-

- 1). Heard.
- 2). The applicants are seeking pre-arrest bail in Crime No.97 of 2016 for an offence punishable under Section 394, 324, 323, 341, 354(a), 143, 144, 147, 149, 504, 506 Indian Penal Code.
- 3). The alleged incidents took place on 14th March, 2016 and before the incident in question, there is another crime being Crime No. 95 of 2016 registered against the applicant for an offence

punishable under Section 380 Indian Penal Code.

4). Admittedly, there is a counter FIR against the complainant and her family members vide Crime No. 96 of 2016 for an offence punishable under Sections 143, 144, 147, 149, 394, 324, 323, 504, 506, 354(a)(b) Indian Penal Code.

5). Perusal of both these FIRS depicts that, the complainant and the accused persons are very closely related and there appears to be differences on the issue particularly, as regards the installation of an advertisement board.

6). Apart from the above, the fact that there already exists Crime No. 95 of 2016 at the behest of the complainant against the accused persons speaks of rivalry between the parties i.e. the complainant and applicants.

7). The complainant is an accused in Crime No. 96 of 2016 wherein similar type of allegations are made in the FIR as that of in the present crime.

8). What can be gathered from the contents of both these FIRS and the material available on record, is that, the applicants who are in blood relation are fighting over trivial issue and making wild allegations without any basis. Having regard to the earlier enmity and the fact that there are counter FIRs , in my opinion, the narration of story in the FIR appears to be prima-facie improbable. In this background, in my opinion, a case for grant of pre-arrest bail is made out. Hence, the following order :-

- (i). The bail application is allowed. In the event of the arrest of the applicants, they be released on furnishing P.R. Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one surety in the like amount.
- (ii) The applicants to attend police station on Monday and Thursday from next week for two consecutive weeks between 10 a.m. to 12 a.m. and thereafter as and when called.
- (iii) Any further differences between the parties, if results in registration of any other crime, will entail the prosecution/Investigation Officer to move for cancellation.
- (iv) The applicants not to tamper the evidence and/or influence the witnesses in any manner whatsoever.

(N.W. SAMBRE, J)