

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.56 OF 2017

Asif Khan @ Shvaji @ Aasif Bechain	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Ashok i/by Ashish Dubey for Applicant.
Mr.R.M.Pethe, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 30th June 2017

PC :

1. The Applicant seeks pre-arrest bail in connection with CR No.695 of 2016 registered with D.N.Nagar Police Station, Mumbai. The offences were registered under Sections 354, 354-B, 323, 504, 506(2) of Indian Penal Code.

2. The complaint was lodged by Smt.Nilofar Baloch on 24th October 2016. It is alleged that she is residing along with her father. The accused is also residing in the said area. The wife of Applicant Saira and his sister-in-law are also residing in the said building. The younger sister of the complainant and the sister-in-law of the Applicant are having friendly relationship. They are on visiting terms. On 5th October 2016, the sister of the complainant visited the house of Asma i.e. sister-in-law of the Applicant. At that time mobile of Asma fell down from the hands of sister of complainant which could be repaired. On account of said incident, their relations were strained. On 20th October 2016, the younger sister of complainant namely Nargis, aged about 16 years, had gone

to shop to make some purchases. She was abused by sister-in-law of the Applicant. The said incident was narrated by complainant's sister to her family. The mother of the complainant questioned about the said abuse. The complainant and her husband went to the house of Asma. At that time Asma abused them and also gave slaps. There was a scuffle between complainant and Asma (sister-in-law of the Applicant). During the scuffle the maxi of Asma was torn. Thereafter the complainant proceeded to police station to lodge the complaint. When they reached at Ajmeri Chowk, the Applicant was proceeding by auto rickshaw. He was called by the husband of the complainant. He was informed about the incident. At the same time, Asma and wife of the Applicant came there. They also narrated the incident to him. At that time Asif caught hold of the neck of complainant's husband and started assaulting him. The complainant intervened. She was abused. With a view to outrage modesty, the Applicant attacked her, intended to disrobe her and touched her chest. The dress of the complainant was torn. On the basis of said incident, an FIR was registered.

3. It appears from the FIR that there was a quarrel between both the families. The Applicant was called by the husband of the complainant at the scene of offence. There was scuffle between the Applicant and the husband of complainant. It is alleged that during this scuffle, the Applicant had committed the act of outraging the modesty and also tried to disrobe the complainant.

4. Learned APP submitted that the Applicant is involved in several cases. The Applicant has committed a crime against woman and he is not entitled for anticipatory bail.

5. Learned advocate for the Applicant submitted that several cases have been resulted in acquittal and or he has been discharged from the said case. He tendered details about the said cases. Said compilation is taken on record and marked "X" for identification.

6. Considering the facts narrated above, it appears that the FIR has been lodged as a fall out of the quarrel which took place between both the parties. The Applicant happened to be at the place of incident because he was called by the complainant's husband. In the circumstances, custodial interrogation of the Applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application No.56 of 2017 is allowed;
- (ii) In the event of arrest of the Applicant in CR No.695 of 2016 registered with D.N.Nagar Police Station, Mumbai, the Applicant be released on bail on furnishing PR bond int he sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The Applicant is directed to report the investigating officer of D.N.Nagar Police Station, Mumbai as and when called for;
- (iv) The application is disposed of.

(PRAKASH D. NAIK, J.)

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