

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 337 OF 2017

1. Sairunnisa Mohd. Shamim KhanApplicants
2. Mohd. Aslam Mohd. Mohsin Khan

V/s.

The State of MaharashtraRespondent

Ms. Ashwini Gaikwad i/b Ms. Usmani A. Shabeehahmad
Advocate for the Applicant.
Mr. M. G. Patil APP for the State.
Mr. Milind Bansode, PSI, Powai Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 1st MARCH, 2017.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 513 of 2016 registered at Powai police station on 02/11/2016 for offence punishable under sections 354, 323, 324, 504 r/w 34 of the Indian Penal Code.

2) It is the case of the prosecution that one Mannan Haq who resides in the close proximity of the house of the present applicant lodged a report that there

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were quarrels between wife of the informant and the present applicant as she had refused to give the keys of the terrace of the said building. It appears to be a trifling quarrel between two families. Original accused no. 1 against whom section 354 of the Indian Penal Code is attributed has been enlarged on bail.

3) It is the case of the prosecution that on 02/11/2016, daughter of the informant had asked the husband of the present applicant to give the keys of the terrace. At that time, present applicant had abused the daughter of the first informant. It is also alleged that the relative of the present applicant i.e. applicant no. 2 had also assaulted the daughter of the informant and the applicant had also abused and assaulted the daughter of the informant. Applicant has lodged F.I.R. in respect of the same incident on the basis of which crime no. 512 of 2016 is registered at Powai Police Station.

4) Taking into consideration the nature of allegations levelled against the present applicants, this Court is of the opinion that applicants deserve pre-arrest bail. However, it is made clear that observations made herein above are restricted to an application under section 438 of the Code of Criminal

Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more local solvent sureties in the like amount.
- (iii) Applicants shall report to the concerned police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)