

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1274 OF 2017

Geeta Parmar & ors

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Taraq Sayad a/w. Mr. Durgesh Jaiswal, Mr. Ajay Dubey for the applicant.

Ms. A. A.Takalkar, APP for the respondent - State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 1st AUGUST, 2017**

P.C. :

1. This is an application for anticipatory bail in connection with C.R. No.98 of 2017 registered with D.B. Marg Police Station, Mumbai. The FIR was lodged on 2nd July, 2017 for offences punishable under sections 353, 332, 143, 149, 504 of IPC.

2. The case of the prosecution is that quarrel was going between two groups at the place of incident. The police received information and proceeded at the place of incident. At that time, the accused has assaulted the complainant / police constable and her companion. It is alleged that the police / public servant were assaulted while discharging their duties.

3. Learned advocate for the applicants submitted that in fact the applicants were assaulted by the police personnel. It is submitted that there is dispute between applicant no.1 and her sister in relation to property. It is submitted that the applicants had lodged complaint against the police constable and her companion with the police station at about 7.15 pm. The copy of the said complaint has been annexed to this application. It is submitted that FIR was lodged belately at 11.10 pm. It is submitted that allegations in the FIR is after thought. The applicants had sustained injuries and they were treated for the injuries. Even in the medical certificate issued by the hospital the history of assault by the police is recorded.

4. Learned APP submitted that the applicants have assaulted the police constables who were on duty. It is submitted that the police were discharging their duty. The applicant had committed serious crime. Hence, anticipatory bail should not be granted to them. It is further submitted that even the constables who were injured, were treated in the hospital which is evident from the medical certificate. Learned APP pointed the certificate of the injured constables which shows swelling, tenderness on the forearm of the said constable.

5. I have perused FIR and the documents annexed to the application. The alleged incident had occurred at 1.30 pm in the afternoon. FIR was lodged at 23.10 hours and prior to that applicant no.1 had lodged the complaint with D.B.Marg police station at 7.15 pm. The copy has been annexed to the application which also bears acknowledgment of lodging of complaint. In the said complaint, it is mentioned that police had assaulted the applicants. Applicant no.2 is however arrested during pendency of this application by police on 19th July, 2017. Hence, no relief can be granted to applicant no.2

6. Considering the aforesaid circumstances, anticipatory bail can be granted to the applicants on certain conditions. Hence, I pass following order;

:: ORDER ::

(i) Anticipatory Bail No.1274 of 2017 is allowed.

(ii) In the event of arrest of applicant Nos.1 & 3 to 5 in connection with C.R. No.98 of 2017 registered with D.B. Marg Police Station, Mumbai, applicant nos. 1 & 3 to 5 may be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) each with one or more sureties in the like amount.

- (iii) The application on behalf of applicant no.2 is infructuous.
- (iv) The applicants shall attend the concerned police station as and when called for.
- (v) The applicants shall not tamper with the evidence.
- (vi) Application stands disposed of.

[PRAKASH D. NAIK, J.]