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

ANTICIPATORY BAIL APPLICATION NO. 1611 OF 2016

Shahjahan Abdul Majid Hawaldar	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

**WITH
CRIMINAL APPLICATION NO. 1036 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO. 1611 OF 2016**

Mrs. Saima Husain Hawaldar	.. Intervener
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In the matter between

Shahjahan Abdul Majid Hawaldar	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. A. P. Mundargi for the Applicant.
Mr. Narendra Dubey for the Intervener.
Ms. Jyoti S. Lohokare, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 12th APRIL, 2017.

P. C. :

1. Heard Mr. Narendra Dubey, the learned counsel appearing for the Intervener.
2. By an order dated 20.09.2016, the applicant was granted interim relief. In pursuance of the order dated 20.09.2016, the applicant has attended the Investigating Officer and has joined the process of investigation.

3. I have perused the copy of the First Information Report and the papers of investigation produced before me. A bare perusal of FIR would reveal that the same is filed due to the dispute arising out of partnership business and possession over the suit property between the members of family. It appears that during the said melee, which took place on the date of incident, the alleged offence under Section 354 of the Indian Penal Code has taken place. After perusing the papers of investigation and in view of peculiar facts of the present case, this Court is of the considered view that the custodial interrogation of the application is not necessary.

4. Interim order dated 20.09.2016 is hereby confirmed.

5. The application is allowed in the aforesaid terms.

6. In view of the disposal of the ABA 1611 of 2016, Criminal Application No. 1036 of 2016 does not survive and is disposed of accordingly.

[A. S. GADKARI, J.]