

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2396 OF 2018

Nihil Abdul Mulani & Anr.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Mr. Prabhanjan B. Gujar for the Applicants.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 24th NOVEMBER, 2018.

P.C.:-

The Applicants are apprehending arrest in C.R. No. 290 of 2018 dated 11th October, 2018 registered with Koregaon Police Station, District Satara under Sections 354, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicants and the learned APP. Perused the record, annexed to the Application.

3 The first information report is lodged by Smt. Sahera Niyaz Ahmed Mulani.

The prosecution case in brief is that, the Applicants and their father are having dispute over the ancestral landed property with

Mr. Niyaz Ahmed Mulani i.e. the husband of the first informant and the real brother of the Applicants. Their disputes are pending in Civil Court in Satara District.

It is alleged that, on 27th September 2018, at about 2.30 p.m. when the husband of the informant was doing the agricultural work in the field with a help of a Tractor, the Applicants and their father appeared at the scene of offence. The altercations amongst them ensued in a scuffle and during the said scuffle, the father of the Applicants caught hold the first informant. It is alleged that, at that time, the Applicants also had a scuffle with the informant and in the said scuffle the Applicant No.2 assaulted the informant on her chest. In the premise, the present crime is registered.

4 A bare perusal of the first information report would indicate that, during the course of the said scuffle, the father of the Applicants tried to caught hold the informant, as she intervened in the said scuffle to save her husband and in the said process it appears that, the Applicants also assaulted her. The first information report and other record indicate that, the version of the first informant is little exaggerated. It appears that, the Applicants did not have intention to commit an offence as contemplated under Section 354 of

the Indian Penal Code and the offence as alleged, appears to have been taken in the said scuffle.

5 The father of the Applicants namely Mr. Abdul Mulani has been granted pre-arrest bail by the Sessions Court predominantly on the ground that, he was aged about 85 years and no serious allegations were made against him regarding insulting the modesty of the informant.

6 In view of the above, the Applicants deserve to be protected by pre-arrest bail.

Hence, the following order-

- a) In the event of arrest in C.R. No. 290 of 2018 dated 11th October, 2018 registered with Koregaon Police Station, District Satara, the Applicants shall be released on bail on their furnishing PR bond of Rs.15,000/- each with one or two separate local sureties in the like amount.
- b) The Applicants shall attend the Investigating Officer as and when called for between 10.00 a.m. and 1.00 p.m. upon receipt of notice in writing by the

Investigating Officer and to join the process of investigation till submission of final report.

- c) The Applicants shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)