

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

BAIL APPLICATION NO.772 OF 2018

Mrs. Aafreen Sharif Shaikh Applicant
 Vs.
The State of Maharashtra Respondent

**ALONGWITH
BAIL APPLICATION NO.767 OF 2018**

Mrs. Mumtaz Sharif Shaikh Applicant
 Vs.
The State of Maharashtra Respondent

Ms. Snehal Sharad Jadhav for the Applicant.
Mr. S.R. Agarkar, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 13th August, 2018

P.C.:

1 Heard the learned counsel for the applicants and the
learned APP.

2 These are the applications under Section 439 Code of
Criminal Procedure. The applicants herein are arrested on 26th

September 2017 in Crime No.191 of 2017, registered at Samarth Police Station, Pune for the offences punishable under Sections 307, 141, 143, 147, 148, 149, 504 read with 7 of Criminal Law (Second Amendment) Rules 1983 of Indian Penal Code and Section 4/25 of Arms Act. The investigation is completed and the charge-sheet is filed.

3 It is the case of the prosecution that on 25th September 2017, the complainant, Shahabaz Firoz Khan alongwith his friend Suyash Raju Waghmare were passing through Padmaji Chowk. They were stopped by Hidayat Shaikh, who was gazing at them. An objection was raised by the complainant as to why he was gazing at them and thereafter had asked Shahabaz to wait at the spot and had threatened him of dire consequences. He had called upon the other accused persons and mounted assault upon Shahbaz. Thereafter Suyash Waghmare had intervened and at that stage, the present applicants had joined unlawful assembly and had abused and assaulted the complainant and his friend Suyash Waghmare.

4 The role attributed to the present applicants is that the applicant in Criminal Bail Application No. 772 of 2018 happens to be the mother of original accused no. 1 Hidayat Sharif Shaikh and applicant in Criminal Bail Application No.767 of 2018 happens to be the mother of accused Tahir Shaikh. In any case, the applicants have been in custody for more than nine months and hence, they deserve to be enlarged on bail.

5 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The applications are allowed.
- ii) The applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.20,000/- each with one or more solvent sureties in the like amount.

(*Smt. Sadhana S. Jadhav, J.*)