

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1162 OF 2018  
Mrs. Chhaya S. Bhilwara vs. The State of Maharashtra

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| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Ravi Dwivedi for the Applicant.

Mrs. A.A. Takalkar, APP. for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 15<sup>th</sup> June, 2018

P.C.

1. The applicant is apprehending arrest in CR No.651/2017 dated 1.11.2017 registered with Borivali Police Station, Mumbai under Sections-453, 324, 323, 504, 506, 427 read with 34 of the Indian Penal Code.
2. Heard the learned counsel appearing for the applicant and the learned APP. Perused the record.
3. The first information report is lodged by Smt. Iyesha Shaikh on 1.11.2017 alleging that the applicant and other two accused persons committed criminal trespass in her house, assaulted her and also caused some damage to the articles which were in her house.

4. It is to be noted here that, the co-accused in the present crime namely Smt. Shobha Chawala has also lodged CR No.653/2017 on 1.11.2017 with the same police station against the first informant in CR No.651/2017 alleging offence against her i.e. Smt. Iyesha Shaikh and her husband namely Babu Shaikh under Section 354, 323, 509 and 506 read with 34 of the Indian Penal Code.

After perusing both the statements of the respective informants namely Smt. Iyesha Shaikh and Smt. Shobha Chawala one fact is certain that an incident of scuffle took place at the scene of offence over the improper use of the common passage which was used by the first informant in the present crime. The learned APP on instructions submitted that the accused persons in CR No.653/2017 i.e. Babu Shaikh and Smt. Iyesha Shaikh have been protected by pre-arrest bail by the Trial Court.

5. After perusing the entire record this Court is of the view that after taking into consideration the peculiar facts of the present case, the custodial interrogation of the applicant for further investigation of the present crime is not necessary and the applicant is entitled to be protected by pre-arrest bail.

6. In view of the above, the applicant is granted pre- arrest bail on the following terms and conditions.

Hence, the following order:-

- a) In the event of arrest in CR No.651/2017 registered with Borivali Police Station, Mumbai, the applicant shall be released on bail on her furnishing PR bond of Rs.15000/- with one or two local sureties in the like amount.
- b) The applicant shall attend the Investigating Officer and an when called for between 11.00 a.m. to 1.00 p.m. till the submission of final report.

It is needless to mention that before calling the applicant to the police station, the Investigation Officer shall issue a notice under Section 160 of the Cr.P.C.

- c) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)