

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1182 OF 2018

Saifya Abdul Kadir Shaikh @
Safiya Sajid Shaikh & Ors.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Mr. Navid Mughal for the Applicant.

Mr. M.G. Patil APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 19th JUNE, 2018.

P.C.:-

The Applicant is apprehending arrest in CR No. 391 of 2018 dated 6th June, 2018 registered with Malvani Police Station, Mumbai under Sections 354, 323, 504, 506 (1), 114 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant, the learned APP. Perused the record of investigation.

3 The present crime i.e. CR No. 391 of 2018 dated 6th June, 2018 is registered by Smt. Farhana Aslam Khan alleging that, the Applicant and other persons on 5th June 2018 at about 11.45 p.m. committed an offence as contemplated under Section 354 of the

Indian Penal Code along with other offences mentioned in the first information report. The Applicant, Smt. Safiya Sajid Shaikh has also lodged first information report bearing No. 390 of 2018 against the first informant and her relatives in CR No. 391 of 2018 alleging that on 5th June, 2018 at about 11.45 p.m., the said accused persons committed an offence under Section 354 read with other allied provisions under the Indian Penal Code against her.

Thus, it is clear that there is a case and cross-case wherein both the informants are alleging an offence under Section 354 of the Indian Penal Code against them respectively.

4 A minute perusal of the first information report of both the cases would indicate that, on 5th June, 2018 between 11.40 p.m. to 11.45 p.m. a scuffle took place between two groups headed by the Applicant Smt. Safiya Shaikh, the first informant in CR No. 390 of 2018 and Smt. Farhana Khan being the first informant in CR. No. 391 of 2018. It further appears from the record that ,the act as alleged by the accused person in the present Crime so also in CR No. 390 of 2018 under Section 354 of the Indian Penal Code had taken place during the said scuffle and prima facie it appears that, there was no intention of the Applicant and other accused persons in the present crime to

commit the said offence.

5 In view thereof, the Applicants are entitled to be protected by the pre-arrest bail.

Hence the following order.

- a) In the event of arrest in CR No..CR No. 391 of 2018 dated 6th June, 2018 registered with Malvani Police Station, the Applicants shall be released on bail on his/her furnishing PR bond of Rs.15,000/- each with one or two separate local sureties in the like amount.
- b) The Applicants shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)