

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

BAIL APPLICATION NO.2115 OF 2018

1) Smt. Mubarak Ajgar Dhanse	
2) Smt. Fatima Zulfikar Antule	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Mr. Agasti A. Vibhute for the Applicants.
Ms J.S. Lohokare, APP for the Respondent-State.
Mr. Abasaheb A. Patil, API, Mahad MIDC Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 24th SEPTEMBER, 2018.

P.C.:-

This is an application filed under Section 439 of the Cr.P.C. by the aforesaid Applicants, who have been arrested in Crime No.29 of 2018 registered with M.I.D.C. Police Station, District-Raigad, for the offences punishable under Sections 143, 147, 148, 302, 323, 504 r/w. 149 of the Indian Penal Code, 1860 and other provisions of Bombay Police Act, 1951.

2. Heard Mr. Agasti Vibhute, the learned counsel for the Applicants and Ms J.S. Lohokare, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Samir Mohiddin Hurjuk, son of the deceased Mohiddin Hurjuk. The FIR prima facie reveals that on 1.5.2018 at about 10.00 p.m. deceased Mohiddin had gone to the house of Farukh, who was ailing. It is alleged that the deceased was in the courtyard of said Farukh and was enquiring about his health, at which time these two Applicants and others assembled in the courtyard and started abusing and assaulting said Mohiddin. The first informant has stated that the Applicants and the others assaulted him and his father Mohiddin by kicks and blows. It is also alleged that co-accused Kamal pelted a stone at his father and the other co-accused Taufik strangled him. Said Mohiddin expired as a result of the said incident.

4. The post mortem report prima facie reveals that said Mohiddin had sustained some abrasions and contusions. None of the injuries were of grievous nature. The Medical Officer has opined that death of Mohiddin was due to “intracranial bleeding secondary to cardiopulmonary arrest secondary to assault”.

5. The allegations against the present Applicants are general

in nature. It is alleged that they were involved in assaulting said Mohiddin by kicks and blows. Considering the nature of allegations levelled against these Applicants and also considering the fact that investigation is completed and charge sheet is filed, in my considered view these Applicants are entitled for bail, hence the following order:-

- (i) The application is allowed.
- (ii) The Applicants are ordered to be released on bail on furnishing PR bonds of Rs.50,000/- each with one or two solvent sureties in the like amount to the satisfaction of the concerned Court.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned Court.
- (iv) The Applicants shall not change their residential addresses without prior intimation to the concerned Court and the Investigation Officer.
- (v) The Applicants shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)