

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

ANTICIPATORY BAIL APPLICATION NO. 2173 OF 2017

Shakuntala Vinod Bhilwara and Anr.	... Applicants
Vs.	
State of Maharashtra	... Respondent

...

Mr. Dilip Shukla I/by Mr. Shashi Pandey for the applicant.
Mr. Y.M. Nakhwa, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 24th OCTOBER, 2018.

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. 651 of 2017 registered with Boriwali Police Station for the offences punishable under Sections 452, 324, 323, 504, 506, 427 read with Section 34 of Indian Penal Code.
2. The First Information Report was lodged on 1st November, 2017 by Smt. Iyesha Shaikh alleging that the applicant and others had committed criminal trespass in her house, assaulted her and caused damaged to the articles in the house. Co-accused had lodged the complaint vide C.R. No. 653 of 2017 on 1st November, 2017 with the same police station alleging the offences under Sections 453, 324, 323, 504, 506, 427 read with 34 of the Indian

Penal Code against the complainant and her husband.

3. Co-accused Mrs. Chhaya S. Bhilwara has preferred an application before this Court vide ABA No. 1162 of 2018. Said application was allowed by order dated 15th June, 2018. While allowing the said application it was observed that incident arises out of scuffle which took place at the scene of offence over the improper use of the common passage. Learned counsel for the applicant submitted that except Section 452 of Indian Penal Code all other sections are bailable in nature.

4. Learned APP submitted that applicant had no authority to commit criminal trespass and enter into the house of the complainant. FIR lodged by the co-accused against the present complainant is after thought.

5. It is pertinent to note that the scuffle had arisen on account of use of common passage. Most of the offences are bailable. Co-accused has been granted bail by this Court. In the circumstances and considering the peculiar facts of the present case, the custodial interrogation of the applicants is not necessary. Hence, I pass the following order.

ORDER

- i) In the event of arrest of applicants in connection with CR No. 651 of 2018 registered with Borivali Police Station, the applicants be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;
- ii) The applicants shall attend the investigation officer once in a week on Friday between 10.00 a.m. and 12.00 noon till filing of the chargesheet;
- iii) The applicants shall not tamper with the evidence and/or influence the prosecution witness;
- iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)

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