

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

ANTICIPATORY BAIL APPLICATION NO. 2181 OF 2018

1. Aashabi Saheblal Pathan
2. Ayamadbi Bashir Shaikh
3. Lailabi Shabbir Shaikh
4. Jamila Bashir Shaikh
5. Banu Ayyub Shaikh
6. Rashida Dagadu Pathan
7. Kalima Makbul Shaikh
8. Hasinabi Mahamud Shaikh

....Applicants

V/s.

The State of Maharashtra

....Respondent

Ms. Rekha Musale a/w. Supan Shaikh for the applicants.

Mr. Rajan Salvi, APP for the State.

Mr. P.V. Waghmare, API, Karmala Police Station, Solapur, present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 23rd OCTOBER, 2018.**

P.C.:

. This is an application under section 438 of Criminal Procedure Code, filed by the aforesaid applicants, apprehending their arrest in C.R.No.224/2018 registered with Karmala Police Station, District Solapur for offences punishable under sections 143, 147, 332, 341, 353, 447, 504, 506 r/w. 149 of the Indian Penal Code and under section 2(B) of the Contempt of Court Act.

2. Heard Ms. Rekha Musale, learned counsel for the applicant and Mr. Rajan Salvi, learned APP for the 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 first information report lodged by Vipin Jhujerao Survase, Police Constable, Karmala Police Station. A perusal of the first information report prima facie reveals that police protection was granted to one Husain Meheboob Pathan, Trustee of Madina Masjid for harvesting sugarcane crop from Gut No.464 and 465. It appears that there is civil dispute between both the parties and that the applicant and others had obstructed Husain Meheboob Pathan and others from harvesting sugarcane plantation. The applicants herein had allegedly abused the first informant and other police personnel. They were not involved in using criminal force. The applicants herein are ladies and considering the nature of the allegations levelled against them, in my considered view, their presence is not required for custodial interrogation. They are the permanent residents of Umrad, Tal. Karmala. There is no possibility of these applicants absconding and/or thwarting the course of justice. They have no criminal antecedents.

4. Considering the above facts and circumstances, the applicants are entitled for pre-arrest bail. Hence, the Application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicants in C.R.No.224/2018 registered with Karmala Police Station, District Solapur, they shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(b) The applicants shall report to the Investigation Officer for a period of four days from 29/10/2018 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigation Officer for the purpose of interrogation/investigation.

(c) The applicants shall furnish their permanent and temporary address, if any, and their contact details to the Investigation Officer.

(d) The applicants shall not change their residential address without prior intimation to the Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)