

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2231 OF 2018

1. Abdul Rehman Umar Khan, Age 24 years,
R/o.Maruti Dham Building, Manor Road,
Palghar.

2. Afsar Aziz Shaikh, Age 25 years,
R/o.Gandhi Nagar, Palghar (East).

3. Faizal Khalil Patel, Age 23 years,
R/o.Gandhi Nagar, Palghar (East).

4. Shoyeb Salim Shaikh, Age 24 years,
R/o.Maruti Dham Building, Manor Road,
Palghar.

5. Moshin Hayat Khan, Age 34 years,
R/o.Maruti Dham Building, Manor Road,
Palghar.

Applicants

versus

The State of Maharashtra

Respondent

Mr.S.V.Marwadi I/by N.M.Nadar for applicants.

Mr.A.R.Kapadnis, APP, for State.

Mr.H.S.Chaudhary

CORAM : PRAKASH D. NAIK, J.

DATE : 26th October 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.I-233 of 2018 registered with Palghar Police Station for offences under Sections 395, 354, 453, 323 of Indian Penal Code.

2. The case of prosecution is that the applicants and three others had entered in the house of Vilas Yadav and assaulted him. His son came to rescue him. The applicants and their friends assaulted them

by closing the doors. They also touched one of the woman inappropriately. The friend of the accused had also snatched Mangalsutra of the wife of complainant and chain of his mother. It is also apparent that prior to registration of present FIR, the brother of applicant no.4 had registered a FIR against present informant and others with the same police station vide CR No.I-232 of 2018 for offences under Sections 395, 354, 341, 427 of IPC.

3. On going through the FIR prima facie it is clear that cross complaints are registered by parties against each other. Offence under Section 395 is attributed in this case, which is debatable. The other offence u/s 354 is bailable in nature. Other offences which is alleged is of trespass. Taking into consideration aforesaid circumstances, there is no need of custodial interrogation of the applicants. Case for grant of anticipatory bail is made out.

4. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.2231 of 2018 is allowed and disposed off;

(ii) In the event of arrest of applicant in CR No.I-233 of 2018 registered with Palghar Police Station, the applicants be released on bail on furnishing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;

(iii) The applicants shall attend Palghar Police Station once in a week on every Saturday between 10 am and 12 noon for a period of three weeks;

(iv) The applicants shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST