

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

CRI. ANTICIPATORY BAIL APPLICATION NO.2413 OF 2018

1)	Irfan Gazali;	
2)	Heena Irfan Gazali;	
3)	Shan Irfan Gazali ;	
4)	Insha Amin Khan;	
5)	Arif Abdul Kadir Gazali; and	
6)	Master Aayan Arif Gazali	.. Applicants
Vs.		
State of Maharashtra		.. Respondent

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Mr.Amin Solkar, Advocate for the Applicants.
Mr.S.R. Agarkar, APP for the Respondent – State.
Mr.M.B. Chavan, API, Cuffe Parade Police Station, Mumbai,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 27, 2018.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.173 of 2018, registered with Cuffe Parade Police Station, Mumbai, for the offences punishable under Sections 143, 144, 146, 147, 149, 323, 324, 504, 506 of Indian Penal Code (“IPC”, for short). The First Information Report (“FIR”, for short), was registered on 22nd September, 2018. Apparently, Section 395 was added subsequently.

2 The applicants have preferred application for anticipatory bail before the Sessions Court, which was rejected vide order dated 17th November, 2018.

3 The case of the prosecution is that applicant no.1 is father of applicant nos.2 to 4 and applicant no.5 is the brother of the applicant no.1. There is dispute with regards to the ancestral family Darga at Mascow Lane, Dandi, Colaba. The said Dargha is maintained by the applicant no.1. The informant and his family members intervened in the function of Dargha. Applicants had raised objections with regards to the intervention of the informant and his family members. On 21st September, 2018, the applicants gathered at the Dargha on account of Mohram. The informant and his cousin brother abused the applicants in filthy language. There was a quarrel between both the groups. The informant and others were assaulted. Cross cases were registered against each other. Apparently, the applicants and the opposites are related to each other. C.R.No.175 of 2018 was registered against the applicants. Whereas, cross C.R. was registered against the opponent vide FIR.No.174 of 2018, for the offences punishable under Sections 143, 147, 395, 323, 324, 504, 506(II) and 395 of IPC. The opponents had preferred application for anticipatory bail which has been allowed, some of the accused

are arrested in the cross FIR and preferred application for bail and the said applications are also allowed by the Sessions Court. The incident had arisen on account of the property dispute. Entire family of the applicant has been impleaded as accused in the FIR registered by the informant. Considering the nature of allegations, I do not think that custodial interrogation of the applicant is necessary.

4 Learned APP submitted that both the parties have registered complaint against each other. The accused in this case have also used screw driver while committing the offence. There is one case registered is against applicant no.1 vide C.R.No.90 of 2018, for the offences punishable under Sections 325, 323, 143, 147, 504 and 506 IPC. In the light of the aforesaid observations and taking into consideration the nature of dispute, case for grant of bail is made out.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2413 of 2018,
is allowed;

- (ii) In the event of arrest of the applicants in connection with C.R.No.173 of 2018, registered with Cuffe Parade Police Station, Mumbai, they may be released on bail on their executing P.R. Bond in the sum of Rs.15,000/-, each, with one or two sureties in the like amount;
- (iii) Applicant nos.1 and 5 shall report the Investigating Officer of Cuffe Parade Police Station, Mumbai, once in a week on every Saturday between 10:00 a.m. to 12:00 noon, till the filing of the charge - sheet;
- (iv) Anticipatory Bail Application No.2413 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)