

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1599 OF 2019

Shaukat Mustafa Pathan & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Sachin Deokar i/b Mr. Mohammad Mulla, Advocate for the Applicants.

Mr. Prashant Jadhav, APP for the State/Respondent.

PHC Mr. P.S. Borate attached to Sadar Bazar Police Station, Solapur City present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 22nd JULY, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.544/2019 registered with Sadar Bazar Police Station, Solapur City u/sec. 324, 327 r/w 34 of I.P.C.

2. The FIR is lodged by one Mateen Shaikh on 30/06/2019. He has mentioned in his FIR that, he had made some complaint in the Solapur Municipal Corporation against the Applicant No.1, because according to him Applicant No.1 had built a fencing illegally in front of his house. Therefore, according to the first informant, the Applicant

No.1 was angry with him. On 30/06/2019 at 3.45 p.m., the Applicant No.1 picked up quarrel with the first informant. Thereafter, Applicant No.1 started abusing him. The other two applicants who are Applicant No.1's son started assaulting him with fists. It is further alleged that, Applicant No.1 assaulted him with a fighter, because of which he suffered injury below his eye. Thereafter, he had gone to Civil Hospital, Solapur for taking treatment. That time, his wife had come to see him. That time also Applicants abused her. They tore her Burkha and removed her Mangalsutra. They threatened her. On this basis, the FIR is lodged. The FIR is lodged on 01/07/2019 at 2 o'clock in the night.

3. Heard Mr. Sachin Deokar, Ld. Counsel for the Applicants and Mr. Prashant Jadhav, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicants submitted that, Applicant No.1's wife had lodged the FIR prior in point of time on 01/07/2019 around 1.30 a.m. He submitted that as a counter blast to that FIR, the first informant has lodged this FIR against the present applicants.

5. Ld. APP states that both these offences are being investigated by the same officer. He stated on instructions that, there are no statements of the employees of the Civil Hospital, Solapur where allegedly the chain was snatched, though such witnesses could be easily available for investigation, if the story was true.

6. Considering the hostility between the parties and the offences lodged by both the parties, there appears to be a definite enmity between the parties, therefore there is substance in the submissions of Ld. Counsel for the applicants that, there is a possibility that, the applicants are implicated falsely. In any case, the injury is not shown to be serious because the offence only under Section 324 of I.P.C. is registered against the present applicants. It is doubtful as to whether the offence u/sec. 327 of I.P.C. is made out. There is no independent corroboration by the hospital employees where allegedly the gold chain was forcibly taken from wife of the first informant and where she was threatened. In this view of the matter, custodial interrogation of the applicants is not necessary. However, they shall co-operate with the investigation. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R.No.544/2019 registered with Sadar Bazar Police Station, Solapur City, the Applicants are directed to be released on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
2. The applicants shall attend the concerned police station from 01/08/2019 to 03/08/2019 between 3.00 p.m. to 5.00 p.m.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)