

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.119 OF 2019

1. Sufiyan Gudu Tajuddin Shaikh, Age 26 years,
2. Gudu Lal Mohammad Shaikh, Age 60 years,
Both r/o.House No.136, Rasid Abu Apartment,
4th Floor, Samad Seth Bagicha,
Bangalpura, Bhiwandi-421 302. Applicants
versus
The State of Maharashtra Respondent

WITH
CRIMINAL APPLICATION NO.92 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.119 OF 2019

Smt.Reshma Hussain Shaikh Intervenor

In the matter between :

1. Sufiyan Gudu Tajuddin Shaikh, Age 26 years,
2. Gudu Lal Mohammad Shaikh, Age 60 years,
Both r/o.House No.136, Rasid Abu Apartment,
4th Floor, Samad Seth Bagicha,
Bangalpura, Bhiwandi-421 302. Applicants
versus
The State of Maharashtra Respondent

Mr.Salman Khan for applicants.

Mr.Prashant Jadhav, APP, for State.

Ms.Lata Chheda for intervenor.

Mr.Fad, API, Bhiwandi Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th January 2019

PC :

1. This is an application for anticipatory bail in CR No.I-318 of 2018 registered with Bhiwandi Police Station for offences under Sections 354A(iv), 354-D, 504, 506 and 34 of Indian Penal Code. The case of prosecution is that on 27th September 2018 the accused had threatened the complainant. It is alleged that one of the accused has uttered words which are reflected in the first information report by using obscene language and outraged modesty of the complainant. The presence of applicants is reflected in the incident occurred on 27th September 2018 and 28th September 2018. Apparently the applicants and other accused had preferred application for anticipatory bail before the Sessions Court and during pendency of the said application interim protection was granted to the applicants. When the interim protection was in force, another incident on 26th December 2018 had occurred in which applicant no.2 and co-accused Vahid were present and involved. The applicant no.2 had allegedly participated in the said crime and co-accused Vahid had assaulted the complainant on her private part and other parts of body. Pursuant thereto CR No.I-444 of 2019 is registered under Sections 354, 324, 323, 504, 506(2) of Indian Penal Code. The case of prosecution is that the entire family of applicants is involved in the crime. The advocate for applicants, however, submits that no role has been attributed to the applicant. The applicants were not present at the scene of offence and had not participated in the incident allegedly occurred on 26th December 2018. However, the prosecution case is that name of applicant no.2 is reflected even in incident dated 26th December 2018, which is subject matter of CR No.I-444 of 2018. Both the applicants were involved in the incident which is subject matter of FIR registered on 3rd October 2018.

2. Considering the circumstances, no case for grant of anticipatory bail is made out and Criminal Anticipatory Bail Application No.119 of 2019 is rejected. Criminal Application No.92 of 2019 is disposed off accordingly.

(PRAKASH D. NAIK, J.)

MST