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

ANTICIPATORY BAIL APPLICATION NO.489 OF 2019

- | | | |
|----|---|----------------|
| 1. | Shaheen Ali Sayed | |
| 2. | Shakila Afaq Hussain | ...Applicants |
| | Versus | |
| | The Senior Inspector of Police and Anr. | ...Respondents |

Mr.Iram Memon /b Mr.S.I.Memon, for the Applicants.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

PSI – Nitin Pawar, Khar Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th AUGUST, 2019

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.48 of 2019 registered with the Khar Police Station, Mumbai, for the alleged offences punishable under Sections 341, 448, 452, 380, 506, 323 r/w Section 34 of the Indian Penal Code.

3. Perused the papers. According to the complainant the flat in which she was residing was handed over to her as a licensee by the applicants, who were the licensor and owner of the said flat, pursuant to which, she was residing in the premises. It is complainant's case that on 29th January, 2019, the applicants forcibly entered the premises and committed the aforesaid offences.

4. Learned Counsel for the applicants submitted that the applicants had removed all the goods belonging to the complainant from the said flat as there was a delay in paying the license fee to the applicants. Learned Counsel for the applicants submitted that infact the complainant and her husband were not paying the electricity bills, pursuant to which, the electricity was also disconnected from the said premises. He submitted that the allegation that the applicants took the jewellery and cash is false and that the said allegation was made by the complainant in her supplementary statement and not in the FIR.

5. Having regard to the peculiar facts of this case, the custodial interrogation of the applicants is not warranted. The application is

accordingly allowed and the interim protection granted vide order dated 27th February, 2019, is confirmed on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet;
- (iii) The applicants shall not contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall co-operate with the Investigating Agency.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.