

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 835 OF 2019**

NAJISH ABUGALIB SHAIKH

.....APPLICANT

Vs.

THE STATE OF MAHARASHTRA

.....RESPONDENT

WITH**ANTICIPATORY BAIL APPLICATION NO. 837 OF 2019**MAHWISH ABUGALIB SHAIKH
THROUGH ITS NATURAL
GUARDIAN ABUGALIB SHAIKH

.....APPLICANT

Vs.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. Devendra Shukla for the Applicants.
Mr. Ajay Patil APP, for the Respondent-State.**CORAM : A. S. GADKARI, J.****DATE : 4th APRIL, 2019.****P.C.:-**

The Applicants are apprehending arrest in CR No. I-11 of 2019 dated 2nd January, 2019 registered with Shanti Nagar Police Station, Thane City under Sections 376, 323 and 506 of the Indian

Penal Code and under Sections 4, 6, 8 and 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act).

2 Heard the learned counsel for the Applicants and the learned APP. Perused the record.

3 The allegations against the Applicants in the present crime would at the most attract Section 323 of the Indian Penal Code and therefore, the custodial interrogation of the Applicants is not necessary. The material allegations are against the principal accused Farahan, who is the real brother of the Applicants. The said principal accused i.e. the brother of the Applicants has already been arrested by the police.

4 In view thereof, the custodial interrogation of the Applicants for further investigation of the present crime is not necessary and the Applicants can be protected by pre-arrest bail.

Hence, the following order-

- a) In the event of arrest in CR No. I-11 of 2019 dated 2nd January, 2019 registered with Shanti Nagar Police Station, Thane City, the Applicants shall be released on bail on their furnishing PR bond of Rs. 10,000/- each with one or two separate local sureties in the like

amount.

- b) Applicants shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- c) Both Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)