

Vidya Amin.

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

ANTICIPATORY BAIL APPLICATION NO. 1115 OF 2019

1. Khushnaaz Mohammed Sayyed
2. Shamsad Fatima Dilshad Ali Sayed ... Applicants
VS.
The State of Maharashtra ... Respondent

Mr. Misbaah Solkar a/w. Rahila Memon, Advocate for the applicants.

Mr. A.R. Kapadnis, APP for the respondent/State.

**CORAM: REVATI MOHITE DERE, J.
DATED: 4th June, 2019**

P.C. :

Heard learned Counsel for the applicants.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-549 of 2018 registered with the Mumbra Police Station, Thane, for the alleged offences punishable under Sections 354, 323, 324, 141, 143, 144, 145, 149, 504, 506 and 427 of the Indian Penal Code.

3. Perused the papers. It appears that the incident took place on 16th October, 2018 at about 21.30 hours, in Sohana compound where the applicants' family resides. The complainant's families resides in the adjacent building. According to the applicants, the

complainant's son, Komale outraged the modesty of applicant no. 1's daughter, pursuant to which, the applicant no. 1's daughter lodged an FIR, which was registered vide C.R. No. I-548 of 2018, as against the complainant's son Komale and one Abbas. With respect to the same incident, the complainant-Suhana, also lodged an FIR which was registered vide C.R. No.I-549 of 2018 as against the applicants and others, alleging offences as stated in paragraph 1. It is pertinent to note, that the applicants name has not been mentioned in the FIR and no role has been attributed to them. In the supplementary statement, which was recorded after three days, i.e., 20th October, 2018, the applicants have been named, however, no overt act has been attributed to them.

4. Considering the nature of dispute and the fact that no role has been attributed to either of the applicants, the Application is allowed, and the applicants are granted pre-arrest bail, on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount.

- (ii) The applicants shall report to the concerned police station on 11th and 12th June, 2019 from 10.00 a.m. to 12.00 noon and thereafter as and when required till the filing of charge-sheet.
- (iii) The applicants shall inform their latest addresses and mobile contact numbers immediately and/or change of residence or mobile details, if any, from time to time, to the trial Court as well as to the concerned Police station, in writing.
- (iv) The applicants shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- (v) The applicants shall cooperate in the conduct of the trial.

5. The Application is accordingly disposed of.

6. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)