

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1668 OF 2019

Riyaz Dastageer Shaikh

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

**WITH
CRIMINAL APPLICATION NO. 1126 OF 2019
(For Intervention)
IN
ANTICIPATORY BAIL APPLICATION NO. 1668 OF 2019**

Narayanan Aniyappa Narayan

.Intervenor

IN THE MATTER BETWEEN

Riyaz Dastageer Shaikh

.Applicant

Vs.

The State of Maharashtra & anr.

.Respondents

Mr. Altaf Khan i/b. Ms Anjali Awasthi, Advocate, for the Applicant **in
ABA No. 1668 of 2019**

Mr. A. A. Palkar, APP, for the Respondent No. 1 – State **in both matters**
Ms Noorseema M. U. Baig, Advocate, for the Respondent No. 2 /
Complainant **in Cri. Appln. No. 1126 of 2019**

CORAM : REVATI MOHITE DERE, J.

DATE : 08.08.2019

P.C.

. Heard learned counsel for the parties.

2. By this application, the Applicant seeks pre-arrest bail in connection with C.R. No.117 of 2019, registered with the Deonar Police Station, Mumbai, for the alleged offences punishable under Sections 392, 354, 509, 143, 147, 149 and 504 of the Indian Penal Code.

3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the aforesaid case. He submits that the only allegation made by the Complainant as against the Applicant is that he slapped the Complainant. He submits that the Applicant has no antecedents.

4. Learned APP states that the independent witnesses whose statements have been recorded do not show that the Applicant was present at the spot at the time of the incident.

5. Perused the papers. Learned counsel for the Applicant submits that no offence as alleged under Section 354 is disclosed qua the Applicant. It appears from the statement of independent witnesses that the Applicant was not present at the spot when the alleged incident took place. Having regard to what is stated herein aforesaid, the

Application is allowed and the interim relief granted to the Applicant vide order dated 30.07.2019 is confirmed on the following terms & conditions :-

ORDER

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

(ii) The Applicant shall co-operate with the investigation.

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

7. In view of disposal of the Anticipatory Bail Application, the Intervention Application does not survive and the same stands disposed of accordingly.

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

(REVATI MOHITE DERE, J.)