

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

ANTICIPATORY BAIL APPLICATION NO. 1739 OF 2019

Moina Abdulla Shaikh & Ors.

...Applicants

Vs.

State of Maharashtra

...Respondent

- Mr. Satyavrat Joshi with Mr. Sunil S. Kamble, Advocate for the Applicants.
- Smt. A. A. Takalkar, APP for the State
- Mr. Bhimrao Manjare, PSI, Kondhwa Police Station, Pune City.

CORAM : SARANG V. KOTWAL, J.

DATE : 8th AUGUST, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with CR No.516/19 registered at Kondhwa Police Station under Sections 354, 324, 452, 143, 147, 427, 504 read with 149 of the IPC.

2. The FIR is lodged on 12th June 2019 by one Shahista Inamdar at 8.45 in the morning in respect of the incident which had taken place on 11th June 2019 at 6.50 p.m. She has mentioned in her FIR that she was residing at Saudi Arabia with her husband and children. She has a flat at Ilaf Apartment, Kondhwa, Pune.

They had seven flats in all, out of which flat no. 103 is given to one of their relatives Abdul Wahab. Whenever they visited Pune, they used to stay in flat no. 103. Another flat no. 101 was given to the present applicant no. 1 on rent. The applicant no. 1 had not paid rent for about six months and therefore, there was dispute between the families.

3. On 6th June 2019, the informant and her family came to Pune and resided in flat no. 103. On 11th June 2019, they had gone to the police station to complain against the applicant no. 1, because she was not paying rent. They had gone to the police station at 4.00 p.m. They came back and in the evening at 7.00 p.m. all the seven applicants entered their house. The informant was assaulted with fist blows and wooden sticks. All these applicants abused her. Her ornaments were lost in the incident. The applicant no. 6- husband of applicant no. 1, outraged her modesty and in general they damaged the house. Based on these allegations the FIR was lodged.

4. Heard, Mr. Satyavrat Joshi, learned counsel for the applicants and Smt. Takalkar, learned APP for the State.

5. Mr. Joshi submitted that there is a long history of disputes and complaints between the informant and the applicants. In the month of April itself three non cognizable cases and one FIR was lodged against the informant's husband. In her FIR the applicant no. 2 had made allegations against the husband of the informant for outraging her modesty. He, therefore, submitted that the FIR is exaggerated and even at this stage false implication of all the applicants cannot be ruled out.

6. On the other hand, learned APP produced before me the investigation papers in respect of the investigation carried out so far, which contains the statement of witnesses Farida and Zarina. They were residing in the same flat no. 103. They have corroborated the statements in the FIR. Apart from that, the important piece of evidence is in respect of video clipping which had captured the entire incident.

7. Learned APP, on instructions, states that the video clipping clearly shows that all the applicants had entered the house of the first informant illegally and had assaulted her. Thus, at this stage, there are strong circumstances against the present applicants.

Their custodial interrogation is necessary. The offence is serious. All the accused had entered the home and had terrorised the informant. I am not inclined to grant protection of the anticipatory bail to the applicants. Application is rejected.

(SARANG V. KOTWAL, J.)