

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2785 OF 2019**

1. Farid Suleman Shaikh	
2. Hamid Usman Shaikh	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Ashutosh R. Gole for the Applicants

Ms. P. P. Shinde, A.P.P for the Respondent-State

HC Mr. S. G. Rathod from Uttan Sagari Police Station, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 18th OCTOBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicants seek their enlargement on bail in connection with C.R. No. 97 of 2019 registered with the Uttan Sagari Police Station, for the alleged offences punishable under Sections 353, 143, 147, 149 and 506 of the Indian Penal Code and under Section 37(1) and 135 of the Maharashtra Police Act.

3 Perused the papers. According to the prosecution, the incident took place on 29th August 2019 at about 12:30 in the noon, when the

complainant along with several other officers of Mira Bhayandar Municipal Corporation and Police Officers had initiated demolition of the unauthorised construction of Sajid Shaikh and Liyakat Shaikh, on land bearing old Survey No. 206 (new Survey No. 47) at Village Dongri. It is alleged by the prosecution, that when the said structures were being demolished, the applicants along with other co-accused, brought a bottle of petrol and sprinkled it near the place where the demolition was going on and threatened the complainant and others. It is also alleged that the applicants and other co-accused pushed the complainant and staff and resisted the action of demolition. It appears that despite resistance, the complainant completed the process of demolition and thereafter, the aforesaid complaint/FIR was lodged as against the applicant.

4 Learned counsel for the applicants has tendered the affidavits of the applicants. The same are taken on record and marked 'X-Colly' for identification. In the said affidavits, the applicants have undertaken not to obstruct any public servant in performance of their official duties. The said undertaking given by the applicants, is accepted. The applicants have no antecedents. The applicants are in custody since 4th September 2019.

5 Considering the aforesaid and in particular, the undertaking given by the applicants, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- each, with one or more sureties in the like amount;

- (ii) The applicants shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of their release;

- (iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

- (iv) The applicants shall inform their latest place of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

6 The application is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.