

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2689 OF 2018

Mohammed Rafiq Bashuameer Sayyed,
Age 48 years, R/o.Room No.7, BMC Colony,
Near BMC School, Hanuman Nagar,
Goregaon East, Mumbai-400 065.

Applicant

versus

The State of Maharashtra

Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPPLICATION NO.2711 OF 2018

Madi Alagan Mutayya, Age 55 years,
Occ.Contractr, R/o.Diamand 1, Room No.2003,
Royal Palm, Aarey Colony, Goregaon (E),
Mumbai-400 065.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Fakhruddin Khan for applicant in ABA No.2689/2018.

Mr.Prashant Gurav for applicant in ABA No.2711/2018.

Mr.A.R.Kapadnis, APP, for State in both applications.

Mr.S.A.Mhaske, PSI, Dindoshi Police Station, present in both matters.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd January 2019

PC :

1. The first information report was lodged on 11th November 2018 vide CR No.598 of 2018 with Dindoshi Police Station for offences under Sections 387, 452, 435, 447, 143, 147, 149, 323, 504, 506 of Indian Penal Code. The complainant has alleged that on 31st October 2018 the applicants have threatened him and demanded money. He was also abused. Similarly on 9th November 2018 also the complainant was threatened. It is further alleged that on 11th

November 2018 some persons whose faces were covered with handkerchiefs had entered into the premises of complainant and assaulted the complainant and caused damage to the property. No weapons were used in the commission of offence. It is the contention of the applicants that the applicant in ABA No.2711 of 2018 had lodged FIR against one Shiva Shetty and others vide CR No.247 of 2018 on 6th November 2018 for offences under Sections 385, 34 of Indian Penal Code. It is contended that Shiva Shetty is associated with complainant in the present case. It is contended that on account of business rivalry present FIR is filed. It is submitted that the first incident had occurred on 31st October 2018 and FIR was lodged on 11th November 2018.

2. Learned APP submitted that there are criminal antecedents against applicant in ABA No.2711 of 2018, which were registered vide CR No.174 of 2018 for offences u/ss.332, 353, 504, 405 of IPC and vide CR No.434 of 2014 for offences u/s 324, 504, 34 of IPC.

3. Apparently the applicants are not the members of any gang indulging in extortion. There are no antecedents as against applicant in ABA No.2689 of 2018. Considering the nature of allegation, case for grant of anticipatory bail is made out.

4. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.2689 of 2018 and Criminal Anticipatory Bail Application No.2711 of 2018 are allowed and disposed off;

(ii) In the event of arrest of applicants in connection with CR No.598 of 2018 registered with Dindoshi Police Station, the applicants be released on executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicants shall attend the investigating officer of Dindoshi Police Station on 14th 15th and 16th January 2019 and thereafter as and when called for.

(PRAKASH D. NAIK, J.)

MST