

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

ANTICIPATORY BAIL APPLICATION NO. 1155 OF 2021

1. Bakhtiyar Ahmed Mahamudkhan
Pathan
2. Tahessen Bakhtiyar Pathan.
3. Mukhtar Mahamudkha Pathan
4. Mansur Md. Shafi Dhoteghar @
Pathan. ... Applicants.
5. Noorjahan Mushtaque Pathan.
6. Sayara Mukhtar Pathan.
7. Arshad @ Baba Bakhtiyar Pathan
V/s.
State of Maharashtra. ... Respondent.

Mr. Kishore D. Walanju, advocate for applicants.
Ms. M.H. Mhatre, APP for State.

CORAM : SMT. SADHANA S. JADHAV

DATE : MAY 3, 2021.

(Through Video Conferencing)

PC.

1 Heard the learned Counsel for the applicants and the
learned APP for State.

2 This is an application under section 438 of the Code of
Criminal Procedure, 1973 for pre-arrest bail. The applicants herein are
apprehending their arrest in Crime No. 63 of 2021 registered with Jail

Road Police Station, Solapur on 13/2/2021 for offence punishable under section 143, 145, 323, 327, 504, 147, 148, 149, 506 of the Indian Penal Code.

3 It is the case of the prosecution that on 12/2/2021 Amina Mohammad Rafiq Hatture lodged a report at the police station alleging therein that her brother-in-law namely Kayyum Hatture had obstructed them from cutting of the tree which was in their compound. There was a MSEB connection and the wire was passing through the tree and therefore, the complainant had taken permission for felling of the said tree. The employees of Municipal Corporation of Solapur were also present at the spot on the day of the incident. When they were in the process of felling the tree, her brother-in-law and his family members started opposing the first informant. It is alleged that at that time, applicants raised a quarrel and had assaulted her family members with fist and kick blows. At that time, the present applicant No. 1 and his son were armed with sword and they were also opposing the first informant and her family. It is alleged that in the said quarrel, Mukhtar Pathan and Taheseen Pathan snatched her golden locket and Rs. 5,000/- from her person. On the basis of the said statement, Crime

No. 63 of 2021 was registered.

4 Learned Counsel for the applicants submits that a trifling incident has been blown out of proportion and hence, offences are registered. However, the parties have arrived at a settlement.

5 There are cross-complaints between both the parties and therefore, in Crime No. 63 of 2021 as well as Crime No. 64 of 2021, the accused have filed Writ Petitions seeking quashing of FIRs before the Division Bench of this Court (Coram: S.S. Shinde & Manish Pitale, JJ) (W.P. No. 1691 of 2021 and W.P. No. 1677 of 2021) and the complainants in both the cases have filed an affidavit to the effect that the parties have settled the disputes.

6 In view of this, present applicants deserves pre-arrest bail. Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No.63 of 2021 registered at Jail Road Police Station, Solapur, the applicants be enlarged on bail on

furnishing P.R. Bond in the sum of Rs. 25,000/-each and one or more solvent sureties in the like amount.

(iii) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)