

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.11 OF 2021

1. Shashawali Shaikh Abdul Nabi Shaikh
2. Amina D/o Abdul Nabi Shaikh
3. Abdul Wahid Abdul Salman Khan
All Residing At Raoji Nagar, Power House,
Bhiwandi, Dist. Thane. ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Sandeep R. Mishra, Advocate for the Applicants.
Mrs. Anamika Malhotra, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th JANUARY, 2021.

PER COURT:

1. This is an application for anticipatory bail in C.R. No.I-1093 of 2020 registered with Shanti Nagar Police Station, Dist. Thane for the offence under Sections 452, 323, 504 & 337 of Indian Penal Code (for short “IPC”).

2. The applicant had preferred an application for anticipatory bail before the Sessions Court. Initially interim protection was granted to the applicant. However, by order dated 22nd October, 2020 application was rejected.

3. FIR is lodged on 30th November, 2019. According to

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complainant on 30th November, 2019 Three brothers and elder sister of her husbands second wife visited her house. She was abused. Wali Nabi Shaikh pushed her and she fell on wall resulting injury to head. She was taken to hospital.

4. On perusal of the documents on record it is apparent that, the parties are related to each other. The applicants submitted that false case is lodged against them.

5. Learned APP submitted that the investigation is in progress. Names of applicants are mentioned in FIR. Both parties are related to each other.

6. Considering the nature of dispute and the allegations levelled in the First Information Report, I do not find that, the custodial interrogation of the applicants is necessary. The complainant is first wife of Khalid Ansari. The second marriage was performed with Tahera Ansari on 19th May, 2015. Applicant No.1 is brother of Tahera. Applicant No.2 is sister. Applicant No.3 is brother. According to applicant Tahira has filed N.C. complaint against Khalid Ansari. She has filed application under Domestic Violence Act. She has also filed complaint under Section 498 A of IPC against complainant and Khalid. FIR is registered against Khalid on 11th September, 2019 with Shanti Nagar Police Station. Thus, there are

dispute between parties. Hence, I pass the following order :

ORDER

- (i) Anticipatory Bail Application No.11 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with C.R. No.I-1093 of 2020 registered with Shanti Nagar Police Station, Dist. Thane, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iii) The applicant Nos. 1 & 3 shall appear before the investigating officer as and when called for and cooperate with the investigation;
- (iv) Anticipatory Bail Application stands disposed of accordingly.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)