

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

ANTICIPATORY BAIL APPLICATION NO.1241 OF 2021

Salman Shakil Choudhary & Anr.

.... Applicants

versus

The Senior Police Inspector & Anr.

.... Respondents

.....

- None present for Applicant.
- Smt. Anamika Malhotra, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th JULY, 2021

(Through video conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.238/2021 registered with Malvani Police Station on 05/04/2021, under sections 354, 324, 323, 504, 506(2) r/w 34 of the Indian Penal Code.

2. No one appears for the Applicants. Therefore I have decided this application on the basis of police papers produced before me by the learned APP.

3. Heard learned Smt. Anamika Malhotra, APP for the State.
4. The FIR is lodged by the first informant. She has stated that she was engaged to one Asif. The informant used to meet the Applicant Salman at his cattle shed. The main accused Sufiyan was known to her as he used to visit the same place of the Applicant No.1. On 04/04/2021 the main accused Sufiyan had spread some false information about the informant and Asif on the internet. At about 09.00 p.m. the informant and Asif came to the Applicant No.1's cattle shed to look for Sufiyan. She saw that both the Applicants and Sufiyan were sitting there. A quarrel took place there. It is alleged that Sufiyan touched her inappropriately causing outraging of modesty. Asif tried to intervene. He was beaten by Sufiyan. There are allegations that Applicant Salman gave blow of knife of Asif's back and Applicant No.2 Shaikh Sohail gave blow on Asif's head. On this basis, FIR is lodged.

5. Learned APP produced the investigation papers before me as mentioned earlier.
6. I have perused the medical certificate which shows that only one abrasion was suffered by Asif. It is a simple injury. Therefore allegations made in the FIR against the Applicants are not supported by the medical evidence. The other allegation of outraging modesty are specifically directed against co-accused Sufiyan. Both the Applicants are not concerned with that offence. In this view of the matter, the Applicant's custodial interrogation is not necessary. They can be protected by an order of anticipatory bail.
7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.238/2021 registered with Malvani Police Station, the Applicants are directed to be

released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)