

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1489 OF 2021

1. Mohammad Wasim Kalim Khan,

2. Krishna Gupta

Applicants

versus

The State of Maharashtra

Respondent

Ms.Glady Pereira for applicants.

Ms.Anamika Malhotra, APP for State.

PSI d.L.Dabhade, Dombiwali Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th June 2021

PC :

1. This is an application for anticipatory bail in CR No.I-41 of 2020 registered with Dombiwali Police Station for offences under Sections 354, 143, 342, 323, 504, 506 of Indian Penal Code. The FIR was registered on 14th February 2020.

2. It is alleged that on 22nd January 2020 the applicants and the co-accused had quarrel with the complainant. The cause of quarrel was that the complainant had stored number of one lady in cell phone which was not liked by the accused. The quarrel resulted in scuffle. Immediately after the incident the complainant had lodged N.C complaint with police station on 22nd January 2020. The N.C complaint was also lodged by one of the accused in this case against the complainant. Copy of N.C complaint has been annexed to this application, which indicate that although it is in respect to the incident dated 22nd January 2020, the allegations alleging offence under section 354 IPC are not reflected.

3. Learned APP submitted that incident did occur. During the investigation the statement of two witnesses were recorded who are working in same office. They have corroborated the version of complainant in respect to the incident of assault. I have perused the said statements. It is apparent that it refers to the incident of assault and not about outraging modesty of complainant. The other offences are bailable in nature.

4. Considering the circumstances, custodial interrogation of the applicants is not necessary. Learned APP, however, submits that the cell phones of the applicants are required for the purpose of investigation. Hence, I pass following order :

ORDER

- (i) In the event of arrest of applicants in connection with CR No.I-41 of 2020 registered with Dombiwali Police Station, District Thane, the applicants be released on bail on their executing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (ii) The applicants shall appear before the Investigating Officer on 5th, 6th and 7th July 2021 between 11 am and 1 pm;
- (iii) The applicants shall hand over their cell phones to the Investigating Officer tomorrow i.e. on 29th June 2021;
- (iv) The anticipatory bail application is allowed in above terms and stands disposed of.

(PRAKASH D. NAIK, J.)

MST