

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

ANTICIPATORY BAIL APPLICATION NO.1611 OF 2021

1. Foziya Shamir Momin,
2. Mohammed Rafique Shaikh,
3. Nasir Adalat Shaikh,
4. Mohammad Shakil Khatib Momin,
5. Maskoor Alam Siddique,
6. Firoz Alam Qureshi, &
7. Wasim Mohammad Aslam Shaikh. Applicants
Versus
The State of Maharashtra Respondent

Mr. Yusuf Khan, Advocate for the Applicants.

Mr. A.A. Palkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th JULY, 2021
[Through Video Conferencing]

P.C. :

1. After arguing for some time, when I expressed my disinclination to grant relief to the applicants No.2, 3, 4, 5 and 7 in this Application, learned Counsel for the Applicants prays for unconditional withdrawal of this Application in their respect.

2. Permission is granted. Their Application is allowed to be withdrawn unconditionally and is disposed of to their extent accordingly.

3. I have considered this application for grant of anticipatory bail to applicant No.1 Foziya Shamir Momin and applicant No.6 Firoz Alam Qureshi. They are seeking anticipatory bail in connection with C.R.No.193/2021 registered at BKC Police Station, Mumbai under sections 141, 147, 144, 149, 354, 354-B, 296, 324, 504, 506(2) of the Indian Penal Code.

4. The FIR is lodged by one Heena Shaikh on 30.5.2021. She has described the incident of that date which had taken place at about 1:00 p.m.. The quarrel started when applicant No.1 suddenly started abusing the informant and piked up quarrel. In the meantime, other applicants came there, when there was an incident where the informant was abused, assaulted and her modesty was outraged. One Iqbal tried to intervene but he was also assaulted. There are allegations in the FIR that while Iqbal was assaulted by others with weapons, applicant No.6 beat him with hands. On these allegations, the FIR is lodged.

5. Learned Counsel for the applicant Nos.1 and 6 submitted that in the entire episode, these two applicants have a very limited role ascribed to them. Therefore, their custodial

interrogation is not necessary.

6. Learned APP submitted that the quarrel started because applicant No.1 started abusing the informant. He submitted that even applicant No.6 had taken part in beating the injured Iqbal. He submitted that there are injuries suffered by Heena and Iqbal.

7. I have considered these submissions. Since other applicants have not pressed their application, it is not necessary to refer to their part in the incident mentioning roles played by them. As far as both these applicants i.e. applicant Nos.1 & 6 are concerned, they have played a very limited role. The quarrel undoubtedly started because of the abuses given by applicant No.1 Foziya Momin, but, in the main incident, she had not played any major role.

8. As far as applicant No.6 Firoz Qureshi is concerned, he is also ascribed a very limited role of beating by hands. He was not concerned with the outraging modesty of the informant.

9. In this view of the matter, considering the very minor role attributed to them, they can be protected by anticipatory bail.

10. Hence, the following order :

ORDER

- (i) Application for anticipatory bail for applicant No.1 Firoz Alam Qureshi and applicant No.6 Firoz Alam Qureshi is allowed.
- (ii) In the event of their arrest in connection with C.R.No.193/2021 registered with BKC Police Station, Mumbai, applicant No.1 Firoz Alam Qureshi and applicant No.6 Firoz Alam Qureshi are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each with one or two sureties each in the like amount.
- (iii) Application for other Applicants No.2, 3, 4, 5 & 7 is disposed of as withdrawn.
- (iv) Anticipatory Bail Application stands disposed of in aforesaid terms.

(SARANG V. KOTWAL, J.)