

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2158 OF 2019

Santosh Dhondappa Bhopale .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2088 OF 2019**

Shabbir Saheblal Mulla .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Viresh Purwant, Advocate, for the Applicants in both matters
Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 06.08.2021

(THROUGH VIDEO CONFERENCING)

P. C.

. The Applicants have filed these Applications under Section 438 of the Code of Criminal Procedure, 1973 apprehending their arrest in Crime No. 164 of 2019 registered with the Mandrup Police Station, Solapur (Rural) for the offences

punishable under Sections 376, 342, 344, 363, 366, 368, 504, 506 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the First Information Report lodged by one Mahadeo Ishwar Pawar. The first informant had alleged that the Applicant – Shabbir had abducted his wife. The statement of the victim dated 29.01.2019 addressed to the police prima facie indicates that her relations with her husband i. e. the first informant were strained and that he was suspecting her character and was pressuring her to lodge a false FIR against a particular person. She had stated that she had left her husband because of constant harassment. In this background, the Applicant – Shabbir filed a Cri. W. P. No. 936 of 2019 for quashing the previous C. R. No. 0025 of 2019 lodged by the husband of the victim. The Division Bench of this Court (Coram : B. P. Dharmadhikari & Revati Mohite Dere, JJ.) by order dated 04.03.2019 had issued notice to respondent No. 2 and had directed the investigating agency not to take coercive steps against either Petitioner or Respondent No. 3 in the meanwhile. The order records the presence of the victim and

submissions on her behalf that there is danger to her life at the instance of her husband. The present FIR has been registered subsequent to the order passed by the Division Bench of this Court in Cri. W. P. No. 936 of 2019. In this FIR, the victim had made allegations against the Applicant – Shabbir. However, considering the previous statement and the order passed by the Division Bench of this Court, this Court (Coram : Sarang V. Kotwal, J.) by order dated 25.09.2019 had granted interim protection to the Applicant – Shabbir Mulla. Learned APP states that the Applicants have co-operated with the investigation and that investigation has been completed and charge-sheet would be filed within a period of three weeks from today. He states that the presence of the Applicants is not required for the purpose of custodial interrogation.

3. Considering the above facts and circumstances, the Applications are allowed on the following terms and conditions :-

O R D E R

(i) In the event of arrest of the Applicants in C. R. No. 164 of 2019 registered with the Mandrup Police Station, Solapur

(Rural), they be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount;

(ii) The Applicants shall furnish their current address and mobile contact numbers and / or change of residence or mobile details, if any, to the investigating officer;

(iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

4. The Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)