

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

ANTICIPATORY BAIL APPLICATION NO. 2225 OF 2021

1. Maheboob A Sattar Baghwan
2. Khalid Sabir Bagwan

.... Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Rahul B. Vijaymane for Applicants.

Smt. Veera Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 20th SEPTEMBER, 2021

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.544 of 2021 registered at MIDC Police Station, Solapur on 15/08/2021, under sections 143, 147, 327, 504 and 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Rahul Vijaymane, learned counsel for the applicants and Smt. Veera Shinde, learned APP for the State.

3. The first informant lodged her F.I.R. on 14/08/2021.

She is a Reporter. She had lodged a complaint against the applicant No.1 and one Inayat Moholkar in the year 2017. It is mentioned the F.I.R. that, she did not remember as to why that complaint was lodged. The said case was ripe for hearing and, therefore, according to her, the applicants' group was having grudge against her and she was fearing for her life. It is mentioned in the F.I.R. that, applicants' group is in the habit of encroaching upon open plots with the use of forged receipts. The subject matter of the F.I.R. is the incident dated 14/08/2021 which had taken place at 6:15p.m. It is alleged in the F.I.R. that, when the informant and her daughter were in their house, the applicants accompanied with Mahadev, Surekha, Sanju etc. who were about 20 people came outside her house and started giving shouts and issuing threats. It is alleged that, both the applicants forcibly removed a golden ring from her. The informant ran away from there. Those people chased her. It is alleged that Chand Shaikh tried to give a blow with an iron rod, but she evaded it and ran away. After that, she called the police and then this F.I.R. was lodged.

4. Learned counsel for the applicants submitted that, there are a few complaints pending against the first informant herself. The allegations are made just to pressurise the applicants.

5. Learned APP relied on the averments in the F.I.R.

6. I have considered these submissions. The F.I.R. itself is lodged only under sections 143, 147, 327, 504 and 506 of IPC, though there are allegations of removing of gold ring. In the background of the allegations, there is a possibility that those allegations are exaggerated. There is an equal possibility that the applicants are implicated falsely because of previous enmity. No hurt was caused to the informant. It is also difficult to believe that, if the informant was surrounded by 20 people she could escape from their clutches. Some reasonable doubt is therefore created against her version. In this background, custodial interrogation of the applicants will not be justified. However, to keep check on the future escalation of the dispute, some conditions are necessary to be imposed on the applicants.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.544 of 2021 registered at MIDC Police Station, Solapur, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station once in every week till filing of the charge-sheet.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)