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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2304 OF 2021**

SHAKIL SIDDIQUE

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Mr. S. T. Pandey a/w Mr. Arvind Singh, Mr. Ashif Hussain, Ms. Deepika Oswal, Mr. J. M. Patel, Ms. Ramsha Khatib and Adv. Bharati Bhosale i/b Ashish Dubey for the applicant

Mr. Deepak Shukla i/b B. N. Shukla for respondent no. 2

Mr. A. R. Kapadnis APP for the State

Shreelaxmi Borkar, PSI, Waliv Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 22, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 857/2021 registered with Waliv Police Station for Offences punishable under Sections 354, 323, 504, 427 of the Indian Penal Code.

2] Prosecution case against the applicant is, he has tried to outrage the modesty of the complainant while receiving the possession of one room apartment, which was rented out to complainant, by brother of the applicant.

3] Though medical evidence is sought to be relied on by the APP while opposing the prayer for bail, this court is required to be conscious of the fact that there was leave and licence agreement between the applicant and complainant which was prematurely terminated for want of payment of licence fees. There is exchange of legal notice on the said issue.

4] Apart from above, it is noticed that complainant herself has claimed that before the incident occurred, husband of the complainant was present on the spot.

5] Counsel for the complainant has not disputed handing over of the possession.

6] In the aforesaid background, in my opinion, having regard to differences between the parties over payment of rent, and handing over possession, false implication cannot be ruled out. Even if offence is considered to be punishable under Section 323 of the Indian Penal Code, same is bailable offence as the complainant has suffered simple injuries.

7] However, it is worth to observe herein that complainant has produced relevant documents which are handed over to the

Investigating Officer in relation to medical evidence so as to substantiate the claim of assault. Investigating Officer is expected to consider the same while carrying out further investigation.

8] In the aforesaid background, case for grant of bail is made out.

(i) In the event of arrest of applicant in C.R. No. 857/2021 registered with Waliv Police Station for Offences punishable under Sections 354, 323, 504, 427 of the Indian Penal Code, he be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall attend the Investigating Officer from 24/11/2021 to 27/11/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

(iii) Applicant shall neither tamper with evidence nor influence the witnesses in any way.

9] Application stands disposed of.

[NITIN W. SAMBRE, J.]