

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

ANTICIPATORY BAIL APPLICATION NO. 671 OF 2022

1) Mr. Nomaan Armoghan Ansari	
2) Mr. Mudassir Ahmad Niyaz Ahmad Momin	 Applicants
v/s.	
The State of Maharashtra	 Respondent

Mr. Salman Khan for the Applicants.

Mr. M.G. Patil, APP for the State.

Mr. D.M. Lokhande, PSI, Bhoiwada Police Station, Bhiwandi.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicants apprehending their arrest in C.R.No.I-137/2021 registered at Bhoiwada Police Station, Thane for offences punishable under sections 142, 143, 186, 294, 323, 332, 353, 504 & 506 r/w. 149 of the Indian Penal Code.

2. Heard Mr. Salman Khan, learned counsel for the Applicants and Mr. M.G. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The records prima facie indicate that on 15/06/2021, one Shahid Shaikh has lodged the first information report against Ayesha Ansari, the mother-in-law of the present Applicants alleging that she had committed theft of cash of Rs.500/-, mobile, laptop, etc. from his mobile repair shop. It is alleged that in the course of investigation, Ganesh Musale, API attached to Bhoiwada Police Station had visited the house of said Ayesha, accused in C.R.No.136/2021. It is alleged that the said Ayesha and her family members abused the Investigating Officer – Ganesh Musale and obstructed him from discharging his lawful duties as a public servant. Said Ganesh Musale therefore lodged the FIR against Ayesha, the Applicants and the other family members.

4. The FIR indicates that the first informant has alleged that Ayesha and her family members had abused and obstructed Ganesh Musale. There is no prima facie material on record to show that the present Applicants were involved in assaulting or deterring the first informant with an intention of obstructing him from discharging his lawful duties. Even otherwise, the maximum punishment for the offence is of five years.

5. Considering the nature of the accusations levelled against these

Applicants, in my considered view, this is not a case which would justify custodial interrogation. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.I-137/2021 registered at Bhoiwada Police Station, Thane they shall be released on bail on furnishing bail bonds in the sum of Rs.15,000/- each (Rupees Fifteen Thousand each) with one or two sureties each in the like amount ;

(b) The Applicants shall report to the Investigating Officer for a period of four days from 21/03/2022 between 11:00 a.m. to 02:00 p.m.

(c) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of.

PREETI
H JAYANI

Digitally signed by
PREETI H JAYANI
Date: 2022.03.16
16:53:05 +0530

(SMT. ANUJA PRABHUDESSAI, J.)