

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1435 OF 2022**

Taibun Nisha Shaikh and anr .. Applicant
Versus
The Sr. Police Inspector and anr. .. Respondent

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Mr. Mateen Shaikh for the Applicant.

Ms. Anamika Malhotra, A.P.P. for the State/Respondent.

Mr. V.B. Tidke, Meghwadi Police Station.

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**CORAM: BHARATI DANGRE, J.
DATED : 18th JULY, 2022**

P.C:-

1. Learned APP state that pursuant to the direction issued, CR No. 431 of 2022 is registered with Meghwadi police station invoking section 323, 324, and 504 read with 34 of IPC. The statement of Smt. Reem Hajrat Ali Shaikh, the applicant no.2, is also recorded on 13/07/2022.

2. When the complaint filed by Smt. Ashiya Shaikh which resulted in the registration of the said CR in which the two applicants are arraigned as accused is perused, it can be seen that there was a previous animosity between the two families, since they stay in the neighborhood and trivial causes like water, and at times the garbage has triggered the discord.

One such incident took place on 8/05/2022 when the complainant is alleged to have questioned the applicant no.2, about the throwing garbage in front of her door and this resulted

into a brawl. It is alleged that Noman assaulted Ashiya and Mehmood by means of an Iron rod in his hand and even her younger son Mehboob was also assaulted. The applicant no.2 is accused of assaulting her daughter-in-law Shamina on her nose and on temporal region. As far as the applicant no.1 Taibun is concerned, who is wife of Dr. Habib, she is accused of assaulting Mehboob by fist and blows.

3 The injury certificate placed on record reflect that Shamina sustain simple injury one CLW on Eyebrow and one CLW over right side of nose. These injuries are attributed to the present applicant.

4 On perusal of the injury, and the role attributed to applicant no.2, in my considered opinion, they deserve protection from arrest but with a rider.

The complainant has placed on record 2 NC reports dated 23/05/2022 and 5/07/2022, leveling accusations against the two applicants that they are being threatened to withdraw the said complaint. The one complaint is also lodged on 13/02/2022 about the said threat.

6 Since the cause of action for the incident in question as well as the 2 NCs is the animosity between the two families, which get triggered on trivial causes, the two applicants shall not reside in the said area where the victims are residing, and they shall remove themselves, therefrom till filing of charge-sheet. Hence the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No. 296 of 2022 registered with Meghwadi Police Station, the applicant no.1 Taibun Nisha Shaikh and applicant no.2 Reem Hajrat Ali Shaikh shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (e) The two applicants shall not reside in the said area where the victims are residing and they shall remove themselves, therefrom, till filing of charge-sheet.

(SMT. BHARATI DANGRE, J.)