

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

ANTICIPATORY BAIL APPLICATION NO. 3066 OF 2021

1. Kunal Arun Srivastav
2. Manoj Kumar Shrivastav Applicants

Versus

The State of Maharashtra Respondent

Mr. Rakesh Singh for Applicants.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 742 of 2021 registered at Oshiwara Police Station, on 18/10/2021, under sections 509, 504 and 506(2) r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Rakesh Singh, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Mumtaj Bilal Khan on 18/10/2021. She has

narrated the history regarding strained relations with her neighbours. In the past also the informant had lodged an N.C. complaint against the applicants' family.

4. On 09/10/2021, on some issue there was a quarrel between these two families. The informant and her family remained inside their house and had locked their house. It is alleged that the applicants banged on the door. The applicants gave abuses and committed the offence under the aforesaid sections. The other family members of the applicants also abused the informant. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicants submitted that the incident is dated 09/10/2021 and the F.I.R. was belatedly lodged on 18/10/2021 and no explanation was offered. This has to be seen in the background of strained relations between the parties. The custodial interrogation of the applicants is not necessary. Other accused are granted anticipatory bail.

6. Learned APP opposed this application relying on the averments made in the F.I.R.

7. I have considered these submissions. The incident is

dated 09/10/2021 and the F.I.R. was lodged belatedly on 18/10/2021. No explanation is offered. There were strained relations between the parties, therefore, possibility of false implication cannot be ruled out. However, at this stage, it will not be proper to observe any further in this regard. In any case, considering the nature of incident, custodial interrogation of the applicants will not serve any purpose. The applicants do not have criminal antecedents, therefore, they can be protected by an order or anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 742 of 2021 registered at Oshiwara Police Station, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)