

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3182 OF 2022

1. Shahnawaz Asif Movar

2. Zabar Asif Movar

...Applicants

V/s.

The State of Maharashtra and Anr.

...Respondents

K.A.J. Merchant a/w N.M. Nadar, for the Applicants.

H.S. Venegaonkar a/w Mr. Kamar Ali Shaikh a/w Mr. Bndhbhushan Rajratna, for Respondent No. 2.

Ms. Veera Shinde, APP for the State.

CORAM : N.R. BORKAR, J.

DATE : 08.12.2022.

PC. :

This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.

2. The learned counsel for the applicants on instructions seeks leave to withdraw the application qua applicant No. 1. The application is dismissed as withdrawn qua applicant No. 1.

3. The applicant No. 2 is apprehending his arrest in Crime No. 32 of 2022 registered at Diu Police Station, Union Territory of Dadra and Nagar Haveli and Daman and Diu for the offences punishable under Sections 447, 504, 506, 509 of the Indian Penal Code and Section 4 read with 25(1-B)(b) of the Arms Act.

4. According to the prosecution, on 10/10/2022, at about 2.15 a.m. in the night the complainant and his mother on hearing some sort of commotion came out of their house and saw that about 50 meters away from their house applicant No. 1 was quarreling with one Pratik Solanki and two foreigner boys who were with him. As their quarrel was disturbing peace and tranquility of the entire area, the complainant had made phone call to the said Pratik Solanki, as he was known to him and told him not to fight and go home. It is alleged that said Pratik Solanki came to the house of the complainant. It is alleged that following him, the applicant No. 1 came to the house of the complainant and started abusing the complainant and his mother. It is alleged that when the mother of the complainant tried to pacify him, he became more arrogant and had taken out one big sharp weapon, from his back packet and threatened to kill them. As regards the applicant No. 2 it is alleged that at the time of incident he was with the applicant No. 1.

5. The main allegations are against the applicant No. 1. There appears to be no need of custodial interrogation as nothing is to be recovered at the instance of applicant. Considering the facts and circumstances of the case, I am inclined to release the present applicant No.2 on anticipatory bail. In the result, the following order is passed:

ORDER

- A] The Application is partly allowed.
- B] In the event of arrest of applicant No. 2 in C.R. No. 32 of 2022 registered at Diu Police Station, Union Territory of Dadra and Nagar Haveli and Daman and Diu for the offences punishable under Sections 447, 504, 506, 509 of the Indian Penal Code and Section 4 read with 25(1-B)(b) of the Arms Act, he shall be released on bail on executing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C] The applicant No. 2 shall attend the concerned Police Station from 14/12/2022 to 16/12/2022 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called and shall co-operate in the investigation.

[N.R.BORKAR, J.]