

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.184 OF 2023

1. Samina w/o. Bashir Pathan,
 2. Nafisa Nashir Pathan,
 3. Shahrukh Nashir Pathan,
 4. Sohel s/o. Bashir Pathan,
 5. Shapik Nashir Pathan
- ..Applicants

Vs.

The State of Maharashtra
and ors.

..Respondent

Mr.A.T.Jadhavar, Advocate for applicants
Mr.N.T.Bhagat, APP for respondents

**CORAM : R.G. AVACHAT, J.
DATE : MARCH 08, 2023**

PER COURT :-

This is an application for anticipatory bail. The applicants claim to have apprehension of arrest in connection with Crime No.0503 of 2022 registered with Bhingar Camp Police Station, Dist.Ahmednagar, for the offences punishable under Sections 143, 147, 149, 327, 427, 323, 504 and 506 of Indian Penal Code.

2. Heard. Perused the First Information Report ("FIR", for short) and the related papers.

3. The FIR has been lodged by one Annubi Pathan on 02.11.2022. It has been alleged in the FIR that the informant had been to her shop-blocks for cleaning and maintaining them. It was about 11.45 a.m. The co-sisters of the informant namely, Shamina and Nafisa, applicant nos.1 and 2 respectively, and the other applicants with 10-12 unknown persons came to the shop-blocks. The applicants claimed ownership over those shop-blocks. They picked up quarrel with the informant. The applicant Shamina even assaulted the informant and robbed her of her *Mangalsutra*. The others are allege to have manhandled the informant.

4. It appears that there is history of quarrels between the applicants one one hand and the informant and her family, on the other. Except offence under Section 327 of Indian Penal Code, rest of the offences are bailable one. The applicants have

not been attributed with any overt act constituting offence under Section 326 of I.P.C. They are necessarily entitled for anticipatory bail.

5. So far as the applicant - Shamina's role is concerned, it appears that in view of history of the dispute between the two families and with a view to make out cognizable and non-bailable offence, allegations of having been robbed of *Mangalsutra*, are made in the FIR. The applicant Shamina is a woman. In the aforesaid factual backdrop, this Court is inclined to allow the application.

6. The record indicates that the applicants have been protected vide order dated 22.02.2023. The said order is hereby made absolute, sans conditions therein. The application stands allowed and disposed of accordingly.

7. The observations made herein above are tentative in nature. The trial Court shall not be influenced thereby.

[R.G. AVACHAT, J.]

kbp