

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 1735 OF 2023

Arfaz Arif Shaikh and Anr. ... Applicants
V/s.
The State of Maharashtra ... Respondent

Ms. Tanvi Rane i/by Hulyalkar & Associates, for the Applicants.

Mr. Amit A. Palkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 22, 2023

P.C.:

1. At the outset learned Advocate for the applicants on instructions of applicant No.1 states that she has instructions to withdraw the application for applicant No.1.
2. The anticipatory bail application is, therefore, dismissed as withdrawn against applicant No.1.
3. In so far as applicant No.2 is concerned.
4. Apprehending arrest in connection with C.R.No.106 of 2023 registered with Lashkar police station, Pune for the offences punishable under Sections 324, 326, 504, 506 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC'). The applicant has filed present application seeking relief under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').
5. According to the prosecution, the incident occurred on 17

May 2023 at around 6:30 pm the informant was sitting in front of his house, applicant No.2 came along with applicant No.1. Applicant No.2 asked the informant as to why he snapped her photos. The informant tried to pacify her. At that time, applicant No.1 started assaulting informant and his son with bamboo. Applicant No.2 instigated applicant No.1 to assault informant. The assault resulted in serious injury on the head of the informant.

6. On perusal of the report and material on record, it appears that the only role attributed to the applicant is that she instigated applicant No.1 to assault the informant. Taking consideration limited role attributed to applicant No.2, applicant No.2 has made out the case for relief under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.'). Hence, following order:

a) In the event of arrest of applicant No.2, Farin Yusuf Sayyed in connection with C.R. No.106 of 2023 registered with Lashkar police station, Pune for the offences punishable under Sections 324, 326, 504, 506 r/w 34 of IPC, she be released on bail on furnishing PR. bond of Rs.25,000/-, along with one or two sureties in the like amount.

b) The applicant No.2 shall remain present before the concerned police station on 23rd, 26th and 28th June, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.

c) The applicant No.2 shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to

the court or to any police officer.

d) The applicant No.2 shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant No.2 shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

7. The anticipatory bail application stands disposed of.

(AMIT BORKAR, J.)

Note:- This order is corrected as per order dated 7 July 2023 showing correction in C.R. number in paragraph 4 and 6(a).