

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1819 OF 2024

Salim Mehboob Khan	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Aadesh Konde Deshmukh a/w. Mr. Sainath S. Garade for Applicant.

Mr. Kiran C. Shinde for Respondent-State.

Ms. Madhavi M. Bodake, Head Constable, Phaltan City Police Station, Satara.

CORAM : MANISH PITALE, J.
DATE : JULY 15, 2024

P.C. :

1. Heard Mr. Konde-Deshmukh, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0245 of 2024 dated 23.05.2024 registered at Phaltan Police Station, District - Satara, for offences under Sections 323, 327, 354, 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant has alleged that the applicant along with co-accused person is responsible for the incident that is said to have taken place on 22.05.2024, wherein the applicant allegedly assaulted the informant and touched her inappropriately, apart from forcibly taking away her gold ring.

4. The learned counsel for the applicant submits that this is a case of cross FIRs as an FIR with regard to the very same incident was registered in the same police station bearing FIR No.0247 of 2024 on 23.05.2024, wherein brother-in-law of the applicant is the informant. It

is submitted that in the said FIR, the informant i.e. Heena Sayed is arraigned as accused No.1 along with other accused persons. In the statement of the informant therein it is specifically stated that he was assaulted and suffered head injuries. It is also alleged that the informant concerning the present case i.e. Heena Sayed took away mobile phone and gold chain of the victim and that he was robbed of cash amount of Rs.50,000/-.

5. It is submitted on behalf of the applicant that in the light of the aforesaid material, it would be evident that the FIR registered at the behest of the informant in this case i.e. Heena Sayed is motivated and that the applicant has been falsely implicated.

6. The learned APP submits that specific allegations are made against the applicant and therefore, he does not deserve indulgence.

7. This Court has considered the material on record. The cross FIRs indicate that there are two versions of the said incident. The FIR registered subsequently does array the informant in this case as accused No.1 and specific acts have been attributed to her as well as the co-accused persons. The victim therein has suffered head injuries and this is supported by the documents on record at exhibit-D. It is brought to the notice of this Court that the co-accused in the said FIR No.0247 of 2024 are absconding.

8. In such a situation, this Court is of the opinion that although certain acts are indeed attributed to the applicant at the behest of the informant, it appears that the whole incident has its roots in matrimonial dispute of the informant with her husband.

9. In that light, so long as the applicant is ready to co-operate with the investigation, relief can be granted, subject to appropriate conditions.

10. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0245 of 2024 dated 23.05.2024 registered at Phaltan Police Station, District - Satara, he shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] with one or two sureties in the like amount;
- B. The applicant shall not, in any manner, contact the informant Heena Sayed;
- C. The applicant shall not enter the area of Laxminagar Phaltan, where the informant resides till charge-sheet is filed;
- D. The applicant shall remain present before the investigating officer on 17.07.2024 and 18.07.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- E. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

12. The application is disposed of.

(MANISH PITALE, J.)