

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

ANTICIPATORY BAIL APPLICATION NO.445 OF 2024

Riyaz Faiyaz Shaikh & Anr.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Shailesh Kharat, Advocate for Applicants.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th FEBRUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.59/2024, dated 20/01/2024, registered with Goregaon Police Station, Mumbai, under sections 323, 354, 504 r/w 34 of the Indian Penal Code.

2. Heard Mr. Shailesh Kharat, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by the victim herself. She was 20 years of age. She has stated that the Applicants were residing on the 6th floor of the said building. She was residing on the 7th floor. The Applicants always used to harass her. They used to pass indecent comments whenever she passed from their floor. On 18/01/2024, she was going outside the gate, that time the Applicants again made obscene comments. Therefore, there was quarrel between the Applicants and the informant's brother Farhan.
4. The incident in question, which is the subject matter of the present offence, took place on 19/01/2024 at around 10.45 p.m. At that time, there was quarrel between one Amir and the Applicant No.2 on one hand and the informant's brother Bilal on the other. Both of them assaulted the informant's brother. The informant, her sister, mother, father and brother went to save him. At that time, the Applicants pushed the informant and her sister by hand, touching their chest. The Applicants pulled her gold chain. The neighbours intervened and thereafter this FIR is lodged.

5. Learned counsel for the Applicants submitted that the informant had eloped with another person and her father was suspecting that the Applicants had helped the informant at that time. Subsequently, the relations between the informant and that person became bad. She came back to her parent's place and since then, the Applicants are harassed by her family. The registration of this FIR in the present case is a result of this. He submitted that the incident is captured in CCTV. He submitted that the Applicants have no control over the CCTV. It was the society's CCTV. It would reveal true facts. He submitted that in the background of these circumstances, the custodial interrogation of the Applicants is not necessary.

6. Learned APP produced the investigation papers before me. There is statement of the informant's sister. She has corroborated the statement of the first informant in all material particulars. She submitted that the society has not yet made the CCTV footage available. She further submitted that the

informant's statement sufficiently implicates the present Applicants. The photographs annexed to this application do not show the details of the offence.

7. I have considered these submissions. As of today, there is strong incriminating statement of the informant and there is corroborative statement of her sister. Both these statements clearly establish the Applicants' role attracting section 354 of the IPC. The FIR shows that the Applicants were consistently harassing the informant.

8. Considering all these aspects and considering the seriousness of the allegations and harassment caused to the informant and also taking into account the fact, that the ingredients of section 354 are made out; no case for protection u/s 438 of Cr.P.C. is made out. The application is rejected.

(SARANG V. KOTWAL, J.)