

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

ANTICIPATORY BAIL APPLICATION NO. 483 OF 2024

Musharaf Altaf Mandal

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Vishal M. Deshmukh for Applicant.

Mr. C. D. Mali, Ashish Satpute, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 20 FEBRUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.13 of 2024 registered at Dindoshi Police Station, Mumbai, on 06.01.2024, under sections 354, 323 and 504 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Vishal Deshmukh, learned counsel for the applicant and Mr. Mali, learned APP for the State.

3. The F.I.R. is lodged by the victim herself. She is 63 years of age. She has stated that, there was dispute between the members of the society and the informant and other residents

residing nearby. On 05.01.2024, at about 11.30a.m. the applicant, his wife and 2-3 others came near the informant's place with three security guards. Therefore, the informant called her other neighbours. They questioned the applicant as to why the security guards were called. There was a quarrel. It is alleged that the applicant pulled her and pressed her chest. He abused her. There was a quarrel and free fight. On this basis, the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the applicant's wife herself had lodged her F.I.R. vide C.R.No.12 of 2024 at the same police station on the previous date about the same incident. There she had correctly described the incident. The allegations made by the applicant's wife are almost similar against one Satish @ Fasi. He, therefore, submitted that, as a counter blast to the F.I.R. lodged by the applicant's wife, this present F.I.R. is lodged against the applicant. He submitted that, considering the dispute, there is a strong possibility of false implication. Learned counsel for the applicant referred to an order dated 06.02.2024 passed in A.B.A.No.347 of 2024 by which the three applicants who were the accused in C.R.No.12 of 2024, lodged by the applicant's

wife were granted anticipatory bail. He invited my attention to the observations made in paragraph-6 of that order, wherein, it was observed that, it appeared that both the groups were not telling the truth. He, therefore, relied on the same observation and submitted that the applicant may also be granted similar relief.

5. Learned APP relied on the allegations in the F.I.R. and submitted that the offence is serious.

6. I have considered these submissions. The allegations in the F.I.R. against the applicant, as well as, in the F.I.R. lodged by the applicant's wife against the informant's group are strikingly similar. There is an enmity between the two groups. It does appear that both the groups are not telling the truth and there is a possibility of false implication of the other group. Considering these aspects, the applicant's custodial interrogation will not be justified. He can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.13 of 2024 registered at Dindoshi Police Station, Mumbai, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)