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

CRIMINAL APPEAL NO.1167 OF 2022

ANJUMAN MUSA SHAIKH

..APPELLANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Ramanik Pawar a/w Adv. Samiksha Pawar for the
appellant

Ms. S. D. Shinde, APP for the State.

Adv. Ajinkya Udane for respondent No.2.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 16, 2024

ORAL JUDGMENT :

1. Heard learned counsel for the Appellant, learned APP for the State and learned counsel for respondent No.2 appointed through Legal Aid Services Authority.

2. This is an appeal for pre-arrest bail in connection with C.R. No.340 of 2022 registered with Shahupuri Police Station, Satara on 27.10.2022 for the offences punishable under Sections 504, 506 of the Indian Penal Code (hereafter "IPC", for short) and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter "Atrocities Act", for short).

3. For ease of reference the interim order dated 01.12.2022 passed by this Court is reproduced. The relevant portion of the interim order dated 01.12.2022 passed by this Court reads thus :-

"3. In effect, the Appellant is seeking Anticipatory Bail in connection with C.R.No.340 of 2022, registered at Shahupuri Police Station, Satara on 27 October 2022, under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 ("SC & SC Act", for short) and under Sections 504 and 506 of Indian Penal Code ("IPC", for short).

4. The First Information Report ("FIR", for short), is lodged by Respondent no.2. She has stated that she had a friend named Savita. According to her, Savita and Appellant has some dispute on monetary transaction. On 18 October 2022 between 01.30 to 02.00 p.m., Respondent no.2 accompanied Savita. Then Savita had gone to the office of the Appellant. It is their case that the appellant asked them to wait outside the office. He came out and uttered derogatory words with response to Respondent no.2's caste. On this basis, FIR is lodged. Learned counsel for the Appellant submitted that the alleged incident had taken place on 18th October 2022 and the FIR is lodged belatedly on 27th October 2022 which shows that it is lodged as afterthought and in fact it is lodged as counterblast to the complaint made by the Appellant in the same police station on the very next date of the alleged incident i.e. on 19th October 2022, the Appellant has sent an E-mail to the police station pointing out that he was threatened by Respondent no.2 and Savita. Based on that complaint, he was called to the police and an NC complaint was lodged at his behest on 27th October 2022 under Sections 504 and 506 read with 34 of IPC in the same police station against Savita. After this, the present FIR is lodged which is filed to pressurize the appellant and it is fled as a counterblast to his complaint.

5. Learned APP does not have instructions and she seeks an adjournment. Considering the submissions made

by the learned counsel for the Appellant, a case for grant of interim relief is made out.”

4. I have perused the statement dated 27.10.2022 of the complainant-‘K’. The date of the incident is 18.10.2022. The appellant is a woman. From the statement of the complainant it is seen that there were some financial dealings between the friend-‘S’ of the complainant and the appellant-accused. This misunderstanding was sought to be sorted out and accordingly the complainant and her friend-‘S’ visited the appellant between 1.30 to 2.00 p.m. It is alleged that the appellant abused the complainant who was accompanying the friend in the name of her caste. These abuses were made while the complainant and her friend were standing on the footpath outside the office of the complainant. According to learned APP and learned counsel for respondent No.2 this was in full public view. There are no statements of any independent witnesses to support the version of the complainant that the abuses were hurled by the appellant in the name of her caste. It is further required to be noted that there were some financial dealings between the complainant's friend and the present

appellant over which these were differences and hence a possibility of false implication cannot be ruled out. I am informed that even the charge-sheet has been filed and the investigation is complete.

5. In the facts and circumstances of the present case I am inclined to allow the appeal. Hence, the following order.

ORDER

(a) The Criminal Appeal is allowed.

(b) In the event of arrest in connection with C.R. No.340 of 2022 registered with Shahupuri Police Station, Satara, the appellant-Anjuman Musa Shaikh shall be released on bail on her furnishing P.R. bond to the extent of Rs.15,000/- with one or more sureties of the like amount.

(c) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

- (d) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.
- (e) There should be no attempt on the part of the appellant to contact, influence or threaten the complainant or the witnesses.
- 6.** I appreciate the assistance rendered by Mr. Ajinkya Udane, learned Advocate, who appeared on behalf of respondent No.2 appointed through Legal Aid Services Authority.
- 7.** The Criminal Appeal is allowed in the above terms.

(M. S. KARNIK, J.)