



PMB

914.apcal.378-24.doc

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

CRIMINAL APPEAL NO.378 OF 2024

1. SAMEER RAFIQ MULLA
2. SAEED RAFIQ MULLA ..APPELLANTS
VS.
1. THE STATE OF MAHARASHTRA
2. JAGDISH BALASAHEB KUDALE ..RESPONDENTS

**WITH
CRIMINAL APPEAL NO.379 OF 2024**

1. HEENA YASIN MULLA
2. SHARMIN SALIM MULLA
3. SHIRIN SAMIR MULLA
4. SAEEDA RAFIK MULLA ..APPELLANTS
VS.
1. THE STATE OF MAHARASHTRA
2. JAGDISH BALASAHEB KUDALE ..RESPONDENTS

Adv. Tanvi Takpkire for the appellants.
Mr. Swapnil V. Walve, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : APRIL 17, 2024.

P.C. :

1. Heard learned counsel for the appellants and learned APP for the State.
2. Since the appeals arise out of the same C.R. the appeals are heard together. The appellants are the accused

who reside in the adjacent neighbourhood of the respondent No.2. There are some boundary disputes subsisting between the appellants and the respondent No.2. It is alleged that on 17.03.2024 at about 5:30 p.m. when the respondent No.2 along with his two brothers and two labourers were building the tin compound the appellants and the co-accused suddenly began assaulting the respondent No.2 and his family with iron rod, sticks and stones. The main assailant has been arrested. Considering that there are subsisting disputes between the parties, it is the contention of learned counsel for the appellants that the possibility of false allegations in the name of caste and implicating all the family members cannot be ruled out.

3. Learned APP to take instructions.

4. Learned counsel for the appellants submitted that so far as the appellants-Sameer Rafiq Mulla and Saeed Rafiq Mulla are concerned, till further orders of this Court they will reside outside the area of Pakija Masjid, Kudale Plot situated in Sangli. Statement is accepted.

5. Issue notice to the respondent No.2, returnable on

08.05.2024. Learned APP waives service of notice on behalf of State.

6. The appellants need to be protected by an interim order in the meantime.

7. In the event of arrest in connection with FIR No.135 of 2024 registered with Sangli City Police Station, District Sangli, the appellants-Sameer Rafiq Mulla and Saeed Rafiq Mulla shall be released on bail on their furnishing P.R. bonds to the extent of Rs.10,000/- each with one or more sureties in the like amount.

8. The appellants-Sameer Rafiq Mulla and Saeed Rafiq Mulla to report to the Investigating Officer of the Sangli City Police Station on 22.04.2024 and 23.04.2024 between 11:00 a.m. and 1:00 p.m. and co-operate with the investigation. The other appellants to co-operate with the investigation.

9. Stand over to **08.05.2024.**

(M. S. KARNIK, J.)