

Chitra Sonawane.

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

Anticipatory Bail Application No.2810 of 2024

- 1) Parveen Bano Badru Jama Ansari
Aged about-41 yrs, Occu-Housewife
R/at-House No.244, Nashik Road,
Near Riyaz Hotel Aam Pada,
Bhiwandi-421302, Dist-Thane.
- 2) Yasmeen Irshad Husain Ansari
Aged about-33 yrs, Occu-Housewife
R/at-Kasaiwada Quresh Nagar,
Khijra Road, 2nd Nizampura,
Bhiwandi-421302, Dist-Thane ... Applicants.

Vs.

State of Maharashtra
At the instance of Shanti Nagar Police
Station ... Respondent.

....
Ms Rashmi Bhandarkar i/by Piyush Chhabria for the
Applicants.

Ms Supriya Kak, APP, for Respondent /State.
PSI SB Kuchekar, Shanti Nagar police station, Bhiwandi.

....
Coram : R.N. Laddha, J.
Date: 14 October 2024.

P.C. :

Heard Ms Rashmi Bhandarkar, the learned Counsel for

the applicants and Ms Supriya Kak, the learned Additional public Prosecutor representing the respondent/State.

2. By this application, the applicants seek pre-arrest bail in connection with CR No.1516 of 2024, registered at Shanti Nagar Police Station, Bhiwandi, for offences punishable under Sections 109, 115(2), 118(2), 189(2), 191(2), 351(2) and 352 of the Bhartiya Nyan Sanhita, 2023 (BNS).

3. The prosecution alleges that on 1 September 2024, the applicants, along with the co-accused, formed an unlawful assembly and assaulted the first informant.

4. The learned Counsel, appearing on behalf of the applicants, submits that even if the contents of the FIR were considered as it is, the only role attributed to the applicants was that they had assaulted the first informant with kicks and fist blows while the co-accused had allegedly assaulted the first informant with a wooden log and iron rod. The learned Counsel further submits that considering the role attributed to the applicants, they deserve to be granted anticipatory bail. The applicants undertake to abide by the conditions that this Court may impose. The applicants have no criminal antecedents.

5. The learned APP representing the respondent/State, acknowledges that the investigation is over and the charge sheet will be filed shortly. The weapons used in the crime were already recovered from the co-accused. The learned APP, on instructions from the investigating officer present in the Court, submits that the custody of the applicants is not required.

6. Upon perusal of the material, it appears that the only role attributed to the applicants is that they assaulted the first informant with a fist and kick blows. There is no allegation of using any weapon by the applicants. The weapons allegedly used by the co-accused were recovered, and the investigation is almost complete. Moreover, on instructions from the investigating officer present in the Court, the learned APP fairly acknowledges that the applicants' custody is not required. In these circumstances, this Court is inclined to allow the present application. Hence, the following order.

ORDER

(i) In the event of the applicants' arrest in CR No.1516 of 2024, registered at Shanti Nagar Police Station, Bhiwandi, they shall be released on bail upon executing a PR Bond of

Rs.25,000/- each and furnishing two or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]