

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

ANTICIPATORY BAIL APPLICATION NO. 2848 OF 2024

Ashiya Kadar Shaikh	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Rahul J. Yadav for the Applicant.
Mr. S. R. Agarkar, APP for Respondent-State.
Mr. M. D. Yadhav, PSI, Samarth Police Station, Pune.

**CORAM: MANISH PITALE, J.
DATE : 23rd OCTOBER 2024**

P.C. :

1. The applicant has approached this Court apprehending arrest in connection with FIR No. 0095 of 2024 dated 4th May 2024 registered at Samarth Police Station, Dist. Pune, for offences under Sections 307, 323 and 504 read with 34 of the Indian Penal Code, 1860 (IPC).

2. The said FIR was registered on the statement of the informant, which describes the incident, wherein the informant and his wife suffered injuries at the hands of the accused persons. It appears that when the son of the co-accused person was questioned and scolded by the informant for unnecessarily playing with the lift in the apartments where the parties reside, the accused persons were enraged and they proceeded to brutally assault the victims.

3. At the outset, the learned counsel for the applicant invites attention of this Court to order dated 27th September 2024 passed in Anticipatory Bail Application No.2628 of 2024 (*Salma Vahid Shaikh v/s. State of Maharashtra*), wherein this Court granted relief of anticipatory bail to a co-accused person. While granting anticipatory bail to the said person, this Court observed as follows :

“6. The genesis of the incident appears to be the questioning and perhaps scolding of the child of co-accused person by the victims, when the child was allegedly playing with the lift of the apartments. The manner in which the accused persons reacted and violently assaulted the victims, is deplorable and an it is clearly on overreaction. The parties are residing in the same apartments, which further accentuates the situation and therefore, the Sessions Court has also taken care to impose a specific condition on the co-accused persons while granting regular bail that they shall not enter the said apartments upon being granted bail.

7. The co-accused persons were alleged to have used glass pieces to assault the informant. They have been granted regular bail. The statements recorded during the course of investigation, indicate that the applicant was indeed present at the date and time of the incident, although she was not specifically named as an accused in the FIR. But, the only overt act attributed to her is assault by way of fists and kicks and pulling the hair of one of the victims. There is no question of recovery of any weapons from the applicant. She is a lady and therefore, this Court is inclined to show indulgence. Nonetheless, appropriate stringent conditions shall be imposed on the applicant, while granting her relief.”

4. A perusal of the FIR, shows that the role attributed to the applicant, who is a woman, is similar to the role attributed to the said Salma Vahid Shaikh. The learned APP also submitted that the

allegation against the applicant appears to be that she also assaulted by way of fists and kicks.

5. In that light, on the principle of parity, the present applicant also deserves to be granted relief.

6. Accordingly, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0095 of 2024 dated 4th May 2024 registered at Samarth Police Station, Dist. Pune, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicant shall not enter the apartment/complex, where the informant resides, during the pendency of the trial, except for taking out household articles.

(d) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

7. Needless to say, violation of any of the aforesaid conditions

would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

8. The application is disposed of.

MANISH PITALE, J.