

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.540 OF 2025

Shahid Hanif Sarguroh And Anr ...Applicants
Versus
State Of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO.876 OF 2025

Munavar Ahmed Bot ...Applicant
Versus
Shahid Hanif Sarguroh Andanr ...Respondent

Mr. Sanjeev Kadam a/w. Adv. Shailesh Chavan a/w. Adv. Prashant Raul a/w. Adv. Aditya Sharma a/w. Adv. Mayur Sanap a/w. Adv. Hrishikesh Avhad a/w. Adv. Sachin Pawar a/w. Adv. Naagesh Khedkar, Advocate for the Applicants.

Mr. Anand S. Shalgaonkar, APP for the State.

Adv. Manohar S. Mandavkar, Advocate for the Intervener.

Mr. Vikas S. Nikam, Investigating Officer Chiplun Pllice Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 4 MARCH 2025

P.C.:

1. The present Applicants are arraigned as Accused Nos. 1 and 2 in the F.I.R. No.0302 of 2024 registered with Chiplun Police Station, District Ratnagiri, for the offences punishable under Sections 352, 351(3), 351(2), 324(4), 190, 189(4), 189(2), 126(2), 117 (2), 115(2), 109(1) of the Bhartiya Nyaya Sanhita, 2023.

2. As regards Accused Nos. 3, 4, 5, 6, and 9, a bench of this Court, presided over by the Hon'ble Shri Justice N. R. Borkar, has granted pre-arrest bail. With respect to Accused Nos. 8 and 10, the Sessions Court has granted regular bail.

3. The present Applicants, being Accused Nos.1 and 2, had applied for Anticipatory Bail before the Sessions Court, which was rejected. Hence, the present Anticipatory Bail Application has been filed.

4. As regards three Accused person name in the F.I.R. filed by sister of the present Applicants, they had applied for bail and since there was no objection of the APP and Investigating Officer they were granted pre-arrest bail by the Sessions Court.

5. The sister of both Applicants had earlier, on the date of the incident, lodged F.I.R. No. 0392 of 2024 with Khed Police Station for offences punishable under Sections 74, 127(2), 126(2), 352, 351(2), 351(3), 324(2), 115(2), and 3(5) of the Bhartiya Nyaya Sanhita, 2023. The Informant in the present proceedings has been named as Accused No. 1 in the said F.I.R., along with two other persons.

6. Mr. Kadam, Senior Advocate, on instructions, made a statement that the Thar Car belonging to the Applicants, as well as the alleged weapons as mentioned in the F.I.R., namely an Iron Rod and a wooden stick, would be handed over to the Investigating Officer by 8 March

2025.

7. Mr. Kadam, Senior Advocate undertakes that even the Accused person names are mentioned in F.I.R. No.1671 of 2025 would attend the concerned Police Station on 8 March 2025 and 9 March 2025 between 11:00 a.m. to 1:00 p.m.

8. Once the weapons used in the alleged offence are handed over to the Investigating Officer, the question would arise as to whether the custody of the present Applicants is necessary.

9. The learned APP submits that the custody of the Applicants would be necessary to carrying out the investigation.

10. Mr.Mandavkar, the learned Advocate on behalf of the Informant submits that there was an antecedents against the Accused No.1. However, he fairly states that said criminal case was withdrawn by the Complainant there in National Lok Adalat.

11. I have considered the arguments of all the parties, as well as the F.I.R. lodged against the present Applicants, along with the F.I.R. filed by the sister of the present Applicants. It appears that all the parties are residents of District Ratnagiri.

12. It appears to be a case of cross F.I.Rs., with the F.I.R. filed by the sister of the present Applicants being prior in time.

13. It is alleged that a girl from the Informant's village sent an SMS to the nephew of the Applicant, pursuant to which they went to Khed, where the said girl was residing. It is further alleged that the nephew of the present Applicants, (Tarik Shah), and his friend, (Mehul Sawant), had gone to Khed, where the villagers and residents of the locality where the girl resided took them to a distant place and after assaulting them, they were taken into detention.

14. It is alleged that subsequently, the family members of Tarik Shah arrived at the village, after which settlement talks were initiated, but no settlement was reached. Thereafter, an F.I.R. was lodged by the sister of the present Applicants. It appears that the present F.I.R. was lodged later, thereby alleging that the accused persons, including the Applicants, assaulted the Informant.

15. As of today, the Anticipatory Bail Application has been granted to five of the Accused and three Accused have been granted regular bail. According to me, a prima facie case is made out for granting anticipatory bail on the following conditions:-

ORDER

- (a) **The Anticipatory Bail Application is allowed.**
- (b) In the event of arrest of the Applicants F.I.R. No.0302 of 2024 registered with Chiplun Police Station, District Ratnagiri, for the

offences punishable under Sections 352, 351(3), 351(2), 324(4), 190, 189(4), 189(2), 126(2), 117 (2), 115(2), 109(1) of the Bhartiya Nyaya Sanhita, 2023., the Applicants shall be released on bail furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.

(c) The Applicants shall co-operate with the investigation and attend the investigating officer of the concerned police station on 8 March 2025 and 9 March 2025 between 11:00 to 1:00 p.m., as and when called.

(d) The Applicants shall not directly or indirectly make any inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicants shall furnish their contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicants and their surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

(g) The Applicants shall also refrain from contacting the victim, her family members, or the victim's relatives in any form/mode, including

through online messages.

(h) The Applicants will not enter into the limits of Village Asgani, Taluka Khed, District Ratnagiri.

16. In view of the above, **the present Anticipatory Bail Application is disposed of as allowed.** Consequently, in view of the disposal of the Anticipatory Bail Application, **the Interim Application No.876 of 2025 stands disposed of.**

(RAJESH S. PATIL, J.)