

Vidya amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 815 OF 2014

Sufyan Mohammad Murtaza Shaikh & Anr. ... Applicants  
vs.  
The State of Maharashtra ... Respondent

Mr. Mubin H. Solkar with Ms. Tahera Abdul Qureshi, Advocate for the applicants.

Mrs. A.A. Mane, APP for the State.

Mr. Firoz Ansari, Advocate for the complainant.

I.O. P.N. Gadekar, P.S.I., Bhiwandi Police Station, Thane present.

**CORAM : MRS. MRIDULA BHATKAR, J.**

**DATE : 30<sup>th</sup> June, 2014.**

**PC.**

Not on board. Upon mentioning, taken on board.

2. This Application is moved by the applicants/accused under section 438 of the Cr. P.C. The applicants/accused are prosecuted for the offences punishable under sections 436, 440, 324, 341 r/w. 34 of the Indian Penal Code. The offence is registered at C.R. No. I-140 of 2014 registered with Bhiwandi City Police Station.

3. It is the case of the complainant that the complainant and applicants/accused are residents of the same building. They are hostile to each other. In June 2013 there was a theft in the house of daughter of applicants/accused and the applicants/accused were suspicious about the son of the complainant, therefore, there were quarrels between the parties. There were some instances which aggravated hostile between the parties. On 7<sup>th</sup> June, 2014 the complainant

smelled kerosene and when he opened the door, suddenly he found fire, due to which his leg got burnt. However, the fire was extinguished but at that time he saw one person running down from the staircase. He identified that person as grandson of present applicant/accused no. 1 and son of applicant/accused no. 2. Therefore, he gave complaint.

4. The learned counsel for the applicants/accused submitted that the allegations are false. They are the residents of the same building. The complainant is always quarrelsome and he continuously lodges false case against the applicants/accused and their family members. He submitted that co-accused who has allegedly done the act is juvenile and the proceedings are before the Juvenile Court.

5. Learned APP and learned counsel for the complainant opposed the application for anticipatory bail.

6. On perusal of the FIR and after hearing the submissions of learned counsel for both the sides, it is found that both the parties are staying in the same building and are fighting with each other on trivial issues. The Investigating officer is directed to mediate the matter as the families are staying in the same building. In view of these circumstances and considering the nature of offences, I am inclined to grant pre-arrest bail on the following terms.

### **ORDER**

(i) In an event of arrest, the applicants/accused be

enlarged on bail on furnishing P.R. Bond of Rs.15,000/- each with one or two sureties in the like amount.

(ii) The applicants/accused shall not harass or pressurize the complainant.

(iii) The applicants/accused shall attend the concerned police station on Wednesday and Saturday between 4 p.m. to 6 p.m. till the filing of charge sheet.

(iv) If at all any such incident takes place, the prosecution may move an application for cancellation of anticipatory bail.

7. The Application stands disposed of on accordingly.

**(MRS. MRIDULA BHATKAR, J.)**