

Order below Exh.01 in Cri.B.A.No.1212/2022

CNR No.MHNS010052282022

(Sau.Shabana Jalaloddin Sayyad etc. vs. State)

Both the applicants have preferred this anticipatory bail in connection with complaint lodged by Azahar Rafi Sayyad against them with Mumbai Naka police station for the offences punishable under Sec.420, 406 r/w 34 of IPC.

2. Notice was issued to the State. It is mentioned therein that complaint is given by Azahar Rafi Sayyad against Fazal, Santosh, Shabana Sayyad [applicant no.1], Jalaloddin Sayyad [applicant no.2]. This complaint is under inquiry and FIR is to be lodged.

3. Considering the facts and circumstances of this bail application, definitely FIR is not lodged. However, it is settled principle that FIR is not pre-condition for anticipatory bail. The complainant Azahar Sayyad has lodged written complaint. Inquiry will take its own time and it will be hanging sword on the applicants. Thus, at this stage, as FIR is not lodged, some protection is required to the applicants. Hence, I proceed to pass following order :

ORDER

(1). Application is partly allowed.

(2). The Investigating Officer, Mumbai Naka police station, shall

give 48 hours prior notice [excluding Court holidays] to the applicant No.1 Sau.Shabana Jalaluddin Sayyad and applicant No.2 Jalaluddin Nijamuddin Sayyad before causing their arrest in connection with complaint lodged by Azahar Rafi Sayyad for the offence under Sec.420, 406 r/w 34 of The Indian Penal Code.

Nashik.

(V. P. Desai)

Date : 13.10.2022

Additional Sessions Judge,
Nashik.