

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6079 OF 2015

Rukhsana Begum w/o Shaikh Haroon **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. P.P.Khandagale Patil, Advocate for Applicant.

Mr. U.S.Mote, A.P.P. for Respondent-State.

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CORAM : INDIRA K. JAIN, J.

DATE : 17th NOVEMBER, 2015

ORAL ORDER :-

1. This is an application for pre-arrest bail in Crime No. 316/2015 registered at Jinsi police station, district Aurangabad for the offences punishable u/ss 323,212,225,353,504,506 read with 34 of the Indian Penal Code.

2. Prosecution case in brief is as under.

Applicant is Head Mistress in Urdu High school at Hattasingpura, Aurangabad. Police had been to the said school for making an enquiry in connection with the complaint filed by a teacher of that school against the

husband of applicant/Head Mistress. When police started recording statements of some teachers, it was objected by the applicant. Applicant then along with her husband started leaving the school premises on motorcycle. That time, police asked husband of the applicant to come to police station as offence was registered against him. It is alleged that applicant arrogantly told police that they would not attend the police station and they may do whatever they want. Police tried to intercept them by standing in front of motorcycle. The husband of applicant drove the motorcycle and tried to cause injuries to the police persons who were standing in front of motorcycle. Report was lodged by police Sub Inspector of Jinsi police station, on the basis of which above said crime came to be registered against the applicant.

3. The learned counsel for applicant vehemently contended that provisions of Section 353 of the Indian Penal Code are not attracted as she or her husband did not assault the police. It is further contended that she is Head Mistress of the High School and permanent resident of Aurangabad. According to applicant, her custodial interrogation is not necessary and considering the manner of incident, ad-interim protection was granted to her by the Sessions Court.

4. Per contra, learned A.P.P. strongly opposed the application. It is submitted that applicant was knowing about the offence registered against her husband. She purposefully raised objection when police

had been to school for enquiry with the other teachers. It is submitted that husband of the applicant tried to drive the motorcycle on the police persons with an intention to cause injuries to them. Under these circumstances, learned A.P.P. submitted that it is not a fit case in which pre-arrest bail can be granted.

5. On going through the F.I.R. and statements of witnesses viz. Sadiyabegum, Mukhtar Ahmad, Nurunnisabegum, Sultanabegum and Lubina Parveen; *prima facie* involvement of the applicant in the commission of offences alleged is apparent. Applicant was a headmistress of a high school and it was expected from her to behave in a more responsible manner. Instead of co-operating the investigating agency she obstructed police in the discharge of their duty merely because enquiry was against her husband. Considering the *modus operandi* of applicant, this Court does not find it a fit case to exercise judicial discretion u/s 438 of the Code of Criminal Procedure. Hence, the following order.

6. Criminal Application No. 6079 of 2015 stands rejected.

[INDIRA K. JAIN]
JUDGE