

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 927 OF 2015

Mrs.Saleha Razi Ahmed	..	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Mateen Abdul Rahim Shaikh, Advocate, for the applicant.
Ms. P.P.Shinde, APP, for the State

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 2nd July, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.
The applicant herein is apprehending her arrest in Crime No.448/2014 registered at Kandivli Police Station for the offences punishable under Sections 316, 354, 498A, 324, 406, 467, 506 read with Section 34 of IPC.

2. It appears from the recitals of the FIR that on 20.12.2014, one Mohsina Suhail Khan, wife of Sohail Ahmed Khan lodged a report at the police station that she is married to Sohail Khan on 2.8.2009. At the time of marriage, she was gifted with valuables in the form of ornaments and clothes and other consumer items. According to her, she was meted with

cruelty and ill-treatment in her matrimonial house. She has alleged that she had conceived pregnancy. There was a persistent demand from the members of her matrimonial family to fetch Rs.5 lakhs and other items from her parents and she was being coerced for the same. After it was learnt that she had conceived pregnancy, she was forcibly taken to a hospital for sex determination of the foetus. According to her, the members of her matrimonial family had learnt that it is the female foetus and, therefore, she was assaulted by the family members in such a manner that the fetus should be aborted. That when she was having headache, she was administered with some medicine on 23.2.2009. She was taken to a nearby hospital. Her signatures were obtained on blank papers. She was made unconscious and thereafter the fetus was aborted. Since they had obtained the signatures on blank papers, an impression was created that she had voluntarily medically terminated the pregnancy.

3. It is pertinent to note that in this case, the prosecution has arraigned Sadiya, the niece of the Sohail Khan. Her name has been mentioned in the FIR and the act attributed to her is that she along with Sadika and Soliya had administered tablets to her. It is further pertinent to note that the incident is of the year 2009 and at that time, Sadiya was hardly 16 years old. The first informant has stated that Sadiya is the daughter of

her brother-in-law. It is unfortunate that in offences registered under Section 498A of IPC, future of the minors is also ruined only because there are omnibus allegations against them.

4. In the course of hearing of this application, this Court had noticed that similarly placed accused i.e. Sadika and Sadiya had also approached the Hon'ble Apex Court and their applications seeking pre-arrest bail were rejected by the Hon'ble Apex Court.

5. The learned counsel for the applicant submits that the present applicant is married in the year 2007 i.e. prior to the marriage of the complainant. It is also submitted that the present applicant has got married to her paternal cousin. That there were disputes between the father of the applicant and her father-in-law that is there was dispute between the brothers inter-se and hence she has also been implicated by the present complainant. The offence alleged against the present applicant is under Section 498A of IPC. The other accused have been protected by way of pre-arrest bail. There are omnibus allegations against the present applicant and hence, the learned counsel prays for pre-arrest bail. It is urged that the allegations levelled against the present applicant are unfounded and they would ruin her relations with the members of her matrimonial family and

she would be exposed to social obloquy. In view of this, the applicant deserves pre-arrest bail.

ORDER

- (i) The application is allowed.
- (ii) In the event of her arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)