

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1344 OF 2015

Ms. Sadika @ Sadiqua Tufail Khan. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Amin Solkar, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

Mr. A.S. Kulkarni, API, Kandivli Police Station, Mumbai.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 17, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State. Perused papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 30th June, 2015
in Crime No. 448 of 2014 registered at Kandivali Police Station for

offence punishable under Section 316, 354, 498A, 324, 406, 467, 506 read with Section 34 of the Indian Penal Code.

3 It is the prosecution case that on 20/12/2014, complainant has lodged a report at the police station that she is married to one Sohil Ahmed Shafiqur Raheman 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 met 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 fetus. 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 foetus should be aborted. That when she was having headache, she was administered with some

medicine on 23.12.2009. She was taken to a nearby hospital. Her signatures were obtained on blank papers. She was made unconscious and thereafter the foetus was aborted.

4 Registration of the offence in the present case is an outcome of a matrimonial disputes. The applicant herein happens to be the niece of the husband of the complainant. She was residing in the joint family. A discordant note had struck between the complainant and her husband. There are allegations against the present applicant that she has administered some tablets to the complainant when she had complained of headache. The said incident had occurred on 23/12/2009. The applicant is a unmarried woman. She has been in custody for almost 17 days. Hence, she deserves to be enlarged on bail with the aid of provisions of Section 437 of the Code of Criminal Procedure, 1973.

5 The observations made hereinabove are prima facie in nature. The same shall not be considered while deciding the application for

discharge or quashing of FIR or at the time of trial. The same be decided on its own merits in accordance with law.

6 Hence, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- and one or two sureties in the like amount.
- (iii) The applicant be enlarged on cash bail for a period of 4 weeks during which she shall comply with necessary formalities.

7 The application is disposed of accordingly.

The parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)