

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.731 OF 2016

Salma Kasmani ... Applicant
vs.
The State of Maharashtra and Another ... Respondents

Mr. Ujwal Gandhi i/b. Mr. Rishi Bhuta, for the Applicant.
Mr. S.H. Yadav, APP for Respondent – State.

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

DATE: **22nd APRIL, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges earthquakefor the offences punishable under Sections 498(A), 504, 506(ii) and 315 read with 34 of the Indian Penal Code in C.R. No. 67 of 2016 registered with Bangur Nagar police station, Mumbai. The offence is registered at the instance of one Naseem Kasmani on 23rd February, 2016.

2. It is the case of the prosecution that the complainant got married with the co-accused Imran Kasmani on 30th April, 2015.

Initial four months were good but thereafter her in-laws and husband started fighting with the complainant Naseem. They used to demand money and used to tell her that she should bring money from her maiden home. The applicant/accused is the mother in law of the complainant. The applicant/accused and the co-accused used to beat the victim. She was not given food when she was pregnant. There was continuous pressure on her for abortion. The applicant/accused and the co-accused insisted her that she should get out of the house and go to her maiden home for delivery of the child for which, she was not ready. It is the case of the prosecution that on 23rd February, 2016 in the morning at about 8.00 a.m. the applicant/accused, husband and father in law of the victim picked up a quarrel with her on the point of her pregnancy and delivery. They forced her to go out. Her husband pulled her and assaulted her with kicks. When she refused to go out, her husband kicked on her stomach. At that time, she was carrying nine months pregnancy. Thereafter, her mother in law i.e. applicant/accused came there with kerosene cane and threatened her. The applicant/accused and co-accused threatened her that they would pour kerosene on her and set her on ablaze. Her husband thereafter take the kerosene cane and poured kerosene on

her person. Due to this, she got scared and started running. When she was running, her friend saw her and she took the victim to the hospital. Thereafter, the complaint was lodged against the applicant/accused and the co-accused.

3. The learned counsel for the applicant/accused submitted that other accused are arrested in this case. The brother in law was given interim protection while husband and father in law are still in the prison. It is submitted that the applicant/accused is 41 years old lady. She has not played any major role in the incident. Therefore, he prayed that the applicant/accused may be protected.

4. The learned prosecutor oppose the application. He submitted that the offence is very serious and the application may be rejected.

5. Perused the first information report and other documents. The applicant/accused is facing prosecution for the offence punishable under Section 315 of the Indian Penal Code where the punishment is provided upto 10 years. Considering the allegations

made, the act committed by the applicant/accused who is a woman is very serious. The applicant/accused used to harass and threaten the victim, she assisted the co-accused to pour kerosene on the victim. At the time of incident, the victim was nine months pregnant. Considering the facts of the case, I am not inclined to grant pre arrest bail to the applicant/accused.

6. Hence, anticipatory bail application stands rejected.

(MRIDULA BHATKAR, J.)