

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1427 OF 2016

Samina Wali Sayyed

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rameshwar N. Gite Advocate for Applicant.

Ms. Veera Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 1, 2016.

PC :

1) Heard. This is an application under section 438 of the Code of Criminal Procedure, 1973. The Applicant herein is apprehending her arrest in crime no. II-85 of 2016 registered at Gangapur Police Station, District Nashik for the offences punishable under sections 500, 506 read with section 34 of the Indian Penal Code and for the offence punishable under section 67 of the Information Technology Act.

2) The learned APP has placed on record the papers of investigation which *prima facie* indicate that Applicant had circulated certain obscene messages against the first informant. That there appears to be something more than the fact that the Applicant herein was representing the husband of the first

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informant.

3) At this stage, the learned counsel for the Applicant submits that the first informant and her husband, whom the present Applicant was representing, have arrived at an amicable settlement and in the said settlement, it has been decided to withdraw the first information report filed against the present Applicant. It is also agreed between the parties that the complainant would not prosecute crime no. II-85 of 2016 i.e. the present case. The complainant has wasted the time of police as well as the Court. However, taking into consideration the nature of allegations, relations between the parties concerned, the papers of investigation and that the first informant does not wish to prosecute crime no. II-85 of 2016, Applicant deserves pre-arrest bail. The consent terms are taken on record and marked as article 'X' for the purpose of identification. However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, Applicant be enlarged on bail on furnishing P.R.

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bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.

(iii) Applicant shall report to the concerned police station, as and when called by issuing a notice under Section 160 of the Code of Criminal Procedure, 1973.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)