

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.689 OF 2017

Heena Asif Shaikh

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.S.M.Katkar i/b. Ms M.A.Devkar, Advocate, for the Applicant
Mr.Deepak Thakare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 20.04.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.120 of 2017 registered with the Akulj Police Station, Solapur(Rural), for the alleged offences punishable under Sections 323, 376, 384, 385 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the allegations essentially as against the Applicant's husband-Asif. He submits that the only allegation qua the Applicant is that she demanded a sum of Rs.10,000/- and talked about a video clip, if

she failed to pay the said amount. The Applicant is also alleged to have demanded Gold ear rings from the prosecutrix. Learned counsel submits that admittedly, neither the amount was paid nor any ear rings were parted with, by the Complainant. He submitted that the Applicant is a lady with two young children aged 4 and 6 years and there is nobody to take care of them.

4. Learned APP opposes the Application.

5. Perused the papers.

6. According to the prosecutrix aged 18 years 4 months, the Applicant's husband committed forcible sexual intercourse with her and had photographed the said act. She has alleged that the Applicant's husband had extorted money from her and she was compelled to pay some amounts to the Applicant's husband as he was threatening to show the video clip of their relationship to others. She has stated that on 04.03.2017 at about 12.00 in the midnight, the Applicant demanded a sum of Rs.10,000/- from her. She has stated that she disclosed to the Applicant that she did not have any money and that her husband had already taken money from her earlier. She has alleged that the Applicant told

her that if she could pay her husband-Asif, she could surely pay Rs.10,000/- to her and reminded her of a video clip. The said amount of Rs.10,000/- and ear rings demanded by the Applicant from the prosecutrix were admittedly not paid by the prosecutrix to the Applicant. The Applicant is a lady with two young children aged 4 and 6 years. The Applicant's husband is already in custody.

7. Considering the allegations qua the Applicant and the fact that she is a lady, the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station on **24th, 25th & 26th April, 2017** from **10.00 a.m. to 12.00 noon** and thereafter, as & when called for by the investigating officer till filing of the charge-sheet;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform her latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)