

Anand

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

BAIL APPLICATION NO.1830 OF 2017

Smt. Tarabunnisha alias Maniya Safiullha Khan .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.S.B.Thorat, Advocate, for the Applicant
Ms J.J.Lohokare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 18.08.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C.R.No.I-443 of 2016 registered with the Kalwa Police Station, for the alleged offences punishable under Sections 307, 326, 504, 506, 323, 147, 148 & 149 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant has been falsely implicated in the said case. He submitted that although the Complainant had named the Applicant in the FIR, no efforts were taken by the police to arrest the Applicant.

4. Learned APP opposes the Application. She submits that the Applicant instigated the co-accused to assault the Complainant's brother and the Complainant.

5. Perused the papers. Admittedly, in the incident which took place in the morning, the Applicant was in no way concerned with the same. In the subsequent incident which took place on the very same day at about 9.00 p.m., it is alleged by the Complainant, that he and his brother were assaulted on the instigation of the Applicant. Except this allegation, there is nothing to show that the Applicant had herself assaulted the Complainant and his brother.

6. Considering the role of the Applicant, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

- (i) 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 not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iii) The Applicant to cooperate in the conduct of the trial.

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

8. 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.)