

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.590/2017

Shahida Bano w/o Shaikh Daud ..vs.. State of Maharashtra thr. PSO P.S.
Wadgaon Road, Yawatmal & AGP, Yawatmal.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. J. Y. Ghurde, A.P.P. for applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 31, 2017

None for the applicant even on the second
call. Mr. J.Y. Ghurde, A.P.P. for non applicant

The present applicant is apprehending her
arrest in connection with Crime No.461/2017 registered
with Police Station, Wadgaon Road, Yawatmal for an
offence punishable under Sections 143, 147, 148, 149,
294, 324, 326, 452 and 506 of the Indian Penal Code.

The FIR states that the brother of the first
informant is the husband of the present applicant and
there is matrimonial discord amongst the applicant and
her husband. The custody of the child was with the
husband of the present applicant. Since the applicant is
cleaner of a truck, while he was out of the town for his
work, the applicant along with other accused tried to
barge into the house of the complainant and tried to
grab the custody of the minor child. At that time, the co-
accused gave a blow of Sattur on the leg of one Shaikh
Rajik.

The investigation papers show that there is no role of the present applicant in attack. Further, there is a matrimonial discord between the applicant and her husband. This Court had already granted ad interim anticipatory bail in favour of the present applicant on 18.08.2007. There is nothing on record to show that the present applicant has misused the liberty granted to her.

In that view of the matter, custodial presence of the applicant is not necessary. Hence, following order is passed.

ORDER

- (i) Criminal Application No.590/2017 is allowed.
- (ii) Applicant-Shahida Bano w/o Shaikh Daud be released on bail in connection with Crime No.461/2017 registered with Police Station, Wadgaon Road, Yawatmal for an offence punishable under Sections 143, 147, 148, 149, 294, 324, 326, 452 and 506 of the Indian Penal Code, on she executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not try to make any overt act to get the custody of the minor child except under the orders from the competent Court.

JUDGE