

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 101 OF 2018***

Parveen Mhamad Hussain Sayyad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ranjeet H. Patil, for the applicant.

Mr Y.M.Nakhwa,APP, for the State.

Mr. S.M.Magdum, H.C. Sangli City Police Station present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 18th January, 2018.

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant is apprehending her arrest in C.R. No. 299 of 2017 registered at Sangli City Police Station, Dist. Sangli for the offences punishable under Sections 376(2)(f), 376(2)(n), 354, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 6.12.2017, Waheeda Shaikh lodged a report at the police station alleging therein that she was being sexually abused by her brother-in-law i.e. Firoz. It is alleged that on

28.8.2017 to 28.9.2017, her brother-in-law (her husband's brother) had sexually abused her regularly. According to the complainant, the applicant who happens to be the married sister of accused Firoz as well as her husband, had not paid any heed to any complaint when she informed her that she is passing through a phase of sexual abuse at the hands of her brother-in-law.

3. The learned counsel for the applicant submits that there is a delay of more than 4 months in lodging the FIR. The learned counsel submits that the applicant happens to be a married sister-in-law of the complainant and she is not residing in the joint family along with the complainant and the main accused.

4. Taking into consideration the papers of investigation and the role attributed to the applicant, wherein it is stated that she had not helped the complainant and was supporting the main accused, it can be said that no custodial interrogation would be required. It is made clear that the co-accused shall not claim any parity with the present accused.

6 However, it is made clear that the observations are restricted to an application under section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at

the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall not tamper with evidence and shall not contact the complainant in any way.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)