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

CRIMINAL BAIL APPLICATION NO.2405 OF 2017

Munni Shafik Sayyad

...Applicant

Versus

State of Maharashtra

...Respondent

Ms.A.P.Rupwate, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks her enlargement on bail in connection with C.R.No.200 of 2016 registered with the Vikhroli Police Station, Mumbai, for the alleged offences punishable under Sections 328, 376, 506(2), 34 of the Indian Penal Code.
3. Perused the charge-sheet. The allegation as against the applicant is that from 6th July, 2016 till 8th July, 2016, the applicant spiked the drink of the informant/complainant, after which, the applicant's husband

sexually assaulted the informant.

4. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the aforesaid case. She submitted that infact the applicant had taken her daughter to Sion Hospital for her Apendix Operation on 11th July, 2016 and that when she returned on the next day i.e. 12th July, 2016, she saw her husband i.e. co-accused-Shafik with the informant. She submits that as the applicant had caught her husband with the informant, a false complaint was lodged, as against her and her husband on 14th July, 2016. The applicant was arrested in November, 2016 and has 3 minor children, aged 12, 10 and 4 years respectively. The allegation of sexual assault are essentially as against the applicant's husband. As far as, the allegation as against the applicant that she spiked the drink of the informant is concerned, there is no FSL report, due to passage of time. Be that as it may, investigation is complete and charge-sheet is filed.

5. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The Applicant be released on cash bail in the sum of Rs.15,000/-, for a period of six weeks;
- (ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (iii) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- (iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- (v) The Applicant shall co-operate in the conduct of the trial;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of her release;

vii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)