

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

ANTICIPATORY BAIL APPLICATION NO. 2189 OF 2018

Kaneez Fathima	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. K.A. J. Merchant & Ali Kaashif Khan Deshmukh for the applicant.

Ms. A.A. Takalkar, APP for the Respondent-State.

Mr. Dhananjay Sonavane, Police Inspector, Oshiwara Police Station is present.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 24th OCTOBER, 2018.

P.C.

1. This is an application for anticipatory bail in C.R. No. 393 of 2018 registered with Oshiwara Police Station on 2nd September, 2018 for offences punishable under Sections 376, 377, 392, 354, 324, 342, 344, 347, 506 of Indian Penal Code and 66(b) of Information Technology Act.

2. First Information Report relates to sexual assault by the son of the applicant. The complainant and the applicant's son were acquainted with each other. It is alleged that the accused No.1 had subjected the complainant to sexual assault. He has committed several acts causing ill-treatment to the complainant. In the First

Information Report, it is stated that applicant was aware about the ill-treatment meted out to the complainant. In the supplementary statement of the complainant it was alleged that applicant did not respond to the grievance made by the complainant to her and did not take any steps against the accused No.1.

3. Learned advocate for the applicant submitted that the First Information Report relates to the allegation of sexual assault against accused No.1 i.e son of the applicant. FIR does not attribute overt act to the applicant.

4. Learned APP submitted that the supplementary statement of the complainant states that applicant failed to take action against the accused No.1.

5. I have perused the First Information Report. The allegations constituting alleged offences are attributed to the co-accused. Applicant is the mother of the said accused. The FIR does not attribute any role to the applicant. On the contrary, it is stated that applicant is helpless and infact allowed her to leave the house. The allegations in the supplementary statement do not justify custodial interrogation of applicant. In the circumstances, the case for grant of anticipatory bail is made out.

ORDER

- i) In the event of arrest of applicant in connection with CR No. 393 of 2018 registered with Oshiwara Police Station, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- ii) The applicant shall attend the investigation officer as and when called for till filing of chargesheet;
- iii) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.11.03
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