

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

ANTICIPATORY BAIL APPLICATION NO.573 OF 2019

Shakila Gulab Mulani

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Satyam Nimbalkar, for the applicant.

Mr. S. H. Yadav, for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 07, 2019

P.C.:

1. The FIR is lodged by one Mumtaz Mulani against present applicant and applicant's son on 29/12/2018 at Borgaon Police Station, Satara vide C.R. No.261/18 under Sections 307, 324, 323, 504, 506 r/w. 34 of IPC. The applicant is seeking anticipatory bail in connection with this offence. In the FIR, the first informant has stated that she was residing with the present applicant and with first informant's husband Sameer. However, the present applicant and Sameer used to regularly abuse and assault her. On 27/12/2018, Sameer had assaulted the first informant with a stick. It is further mentioned in the FIR that on 29/12/2018 the present applicant raised suspicion about the first informant's character and started assaulting her. Applicant's son

Mamta Kale

This order is corrected as per speaking to the minutes dated 5/7/2019.

Sameer pressed her throat. It is further case of the first informant that the applicant then left to bring sattur. In the meantime, the first informant rescued herself and called her parents. Thereafter, she lodged her FIR.

2. Heard Shri. Nimbalkar, Ld. Counsel for the applicant and Shri. S. H. Yadav, Ld. APP for the State. Shri. Nimbalkar pointed out that the present applicant had been making grievance continuously against API Choudhary attached to the same Police Station. He invited my attention to her complaints dated 19/5/2018 and 20/9/2018. According to Shri. Nimbalkar said API was instigating the first informant to register a false complaint against the present applicant.

3. Ld. APP Shri. Yadav submitted that though co-accused Sameer is granted regular bail, the present applicant does not deserve to be released on anticipatory bail because she has many cases pending against her. Shri. Yadav gave details about 16 cases pending against her. Most of them are under the Maharashtra Prohibition Act. Though there are other IPC offences which are serious in nature those are registered with Borgaon Police Station. One of the offence is registered

vide C.R. No.100/17 under Section 498-A of IPC.

4. In this view of the matter, it is difficult to see as to how the first informant would still reside with the present applicant after registering the offence under Section 498-A of IPC.

5. Even perusal of the FIR shows that the incident is highly improbable. In any case, application of Section 307 of IPC does not appear to be warranted because the applicant and her son had ample opportunity to cause more damage and give effect to their intention if they really wanted to commit murder of the first informant. Thus, the story narrated by the first informant does not appear to be true. In any case, the applicant is a lady. Her custodial interrogation in this background is hardly necessary. In this view of the matter, I am inclined to allow the application. Hence, the following order.

ORDER

1. In the event of her arrest in connection with C. R. No.261/2018 registered at Borgaon Police Station, Satara, the applicant is directed to be released on bail on her executing PR Bond in the

Mamta Kale

This order is corrected as per speaking to the minutes dated 5/7/2019.

sum of Rs.25,000/- (Rs. Twenty Five Thousand Only)

with one or two sureties in the like amount.

2. The applicant shall co-operate with the investigation.

3. The application is disposed of.

(SARANG V. KOTWAL, J.)