

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

CRIMINAL APPLICATION (ABA) NO. 706 OF 2019

Nazima Khan Haji Ishaque Khan .Vs. State of Maharashtra, PSO, PS.
Buldhana (City), Dist. Buldhana.

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

Mr. P.W. Mirza, Advocate for applicant.

Mr. S.M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 13, 2019

Heard Mr. Mirza, learned counsel for the applicant and Mr. Ghodeswar, learned Additional Public Prosecutor for the non applicant-State. Also perused the investigation papers.

The applicant is apprehending her arrest in connection with Crime No. 519/2019 registered with Police Station, Buldhana (City), Dist. Buldhana for an offence punishable under Sections 498A, 376B, 323, 504, 506 read with Section 34 of the Indian Penal Code.

The crime is registered on the basis of report lodged by Arshiya Parvin Akbar Khan. The present applicant Nazima Khan is the mother-in-law of the first informant. As per the report, on 02.11.2016 first informant married with Akbar Khan as per Muslim rituals and started residing at her matrimonial house at Mirza Nagar, Buldhana. The report shows that initially for some period she was treated nicely however then her husband and present applicant started demanding Rs.2,00,000/- from her. When said was

objected, according to the report, they started physical and mental harassment to her. She was assaulted by her husband on the say of the present applicant. It is also stated in the report that after a period of three months of marriage she was driven out from her matrimonial house and since 1½ years she is residing with her parents and thereafter she lodged petition against the applicant as well as her husband in the competent Court. The report shows that after lodging the petition, her husband Akbar started talking nicely with her. The report shows that in the month of January-2019 her husband Akbar made a phone call to complainant and disclosed that present applicant gone to Mumbai and therefore, he wish to meet the complainant. The report shows that on 21.01.2019 at about 05:00 O'clock in the evening the complainant was taken by Akbar in her matrimonial house and has performed sexual intercourse with her against her wish.

In view of the aforesaid nature of the accusation as appearing the in the prosecution case, the lodging of first information report after a period of eight months has its own impact on the prosecution case at least while considering this application for anticipatory bail. Resultantly, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 519/2019 registered with Police Station, Buldhana (City), Dist. Buldhana for an offence punishable under Sections 498A, 376B, 323, 504, 506 read with Section 34 of

the Indian Penal Code, applicant - Nazima Khan Haji Ishaque Khan, be released on bail on she executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

The application is disposed of.

JUDGE

srwagh