

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

CRIMINAL APPEAL NO. 251 OF 2020

Abeda Begum W/o. Shaikh Noor,
Aged about 43 years, Occ.: Housewife,
R/o. C/o. Jaitun Bee Shaikh Sikandar,
House No.4859/13/A, Near Darga,
Sewadal Nagar Zopadpatti, Ayodhya
Nagar, Nagpur (Presently Central Prison
at Nagpur)

.... **APPELLANT.**

// **VERSUS** //

- 1) The State of Maharashtra,
Through P.S.O., Police Station,
Sakkardara, District : Nagpur.
- 2) Sau. Ranjana Haridas Sawarkar,
Aged about 40 years,
R/o. Bhande Plot, Sewadal Nagar,
Near Church, Sakkardara, Nagpur.

.... **RESPONDENTS.**

Shri C.R.Thakur, Advocate for Appellant.
Shri M.K.Pathan, A.P.P for Respondent No.1/State.
Ms Jyoti Vajani, Advocate for Respondent No.2.

CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.
DATED : SEPTEMBER 07, 2020.

ORAL JUDGMENT : (Per : Z.A.Haq, J.)

1. Heard.

2. **ADMIT.**

3. Crime No.258/2020 is registered against the appellant and three others with the respondent No.1 Police Station for the offences punishable under Sections 302, 114, 201, 188, 269, 270 read with Section 34 of the Indian Penal Code, under Section 4/25 of the Arms Act, under Section 135 of the Bombay Police Act, under Section 51(1)(b) of the Disaster Management Act, 2005 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant had filed application under Section 439 of the Code of Criminal Procedure before the trial Court which is rejected by the impugned order.

4. According to the respondent No.1-Investigating Officer, the victim was assaulted by the co-accused on the instigation of the appellant.

5. The learned Advocate for the respondent No.2 submitted that civil disputes are going on between the family of the appellant and the family of the victim since 2018, and in 2018 crime was registered against the co-accused (family members of the appellant), and the appellant for the offences punishable under Sections 294, 506, 427 read with Section 34 of the Indian Penal Code, and the family of the appellant had been constantly harassing the family of the victim and the other occupants of the building.

6. With the assistance of the learned Advocate for the appellant, learned A.P.P. and the learned Advocate for the respondent No.2, we have examined the material on record.

7. As stated by the learned Advocate for the appellant, except for the accusation that the appellant instigated the co-accused to kill the victim, nothing else is attributed to the appellant.

The appellant is woman aged about 43 years (as reflected in the cause title of the memo of appeal). The investigation is complete and charge-sheet is filed. The respondent No.1-Investigating Agency has not been able to point out that further custody of the appellant is required.

8. Considering the facts of the case and the nature of the accusations against the appellant, we are of the view that the appellant deserves to be released on bail, however, on conditions as imposed by this order.

9. Hence, the following order:

- i) The impugned order is set aside.

- ii) The appellant, having been arrested in connection with Crime No.258 of 2020,registered with respondent No.1 Police Station, she be released on bail on depositing cash security of Rs.Fifty Thousand and two solvent sureties in the like amount.
- iii) The amount of cash security be deposited before the Sessions Court. The order regarding disbursal of this amount shall be passed by the Sessions Court at the conclusion of the trial.
- iv) The appellant shall not reside in the building occupied by the respondent No.2 and her children, till conclusion of the trial.
- v) The appellant be released on bail after she furnishes alternate address and is verified by the Investigating Officer.
- vi) The appellant shall attend the trial on each and every date unless granted exemption by the Sessions Court.

The appeal is **allowed** in the above terms.

CRI. APPLN. NO. 289/2020.

In view of disposal of the appeal, the application praying for grant of time to file certified copies of the impugned order, bail application and say of APP does not survive, hence, it is **disposed**.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)

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