

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.55 OF 2020

Smt.Miratunnisa Mohd. Mustakin Khan	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Parth Pandey h/for Mr.Akhilesh Singh, Advocate for applicant.
Mrs.PP.Shinde, APP, for State.
Police Inspector Ananda N. Patil, Wadala T.T.Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th September 2021

PC :

1. The applicant is apprehending arrest in CR No.381 of 2018 registered with Wadala T.T.Police Station, Mumbai for offences under Sections 498A, 323, 504, 506, 509 r/w 34 of Indian Penal Code.

2. The complaint is lodged by daughter-in-law of the applicant. Perused the complaint. The allegations of harassment as against the applicant and the in-laws relates to period 2007 onwards. It appears, the complainant could not bore to male child and therefore it is alleged that the applicant suggested the complainant to get conceived from Mahmood Khan who practices witchcraft. Mahmood Khan is granted pre-arrest bail by this Court on 25th December 2019.

3. Applicant is 50 years old lady. The marriage of the complainant solemnized on 28th April 2002. The complainant has four daughters. It is submitted that since last two to three years, the complainant and her husband are living separately. The offence

came to be registered in October 2018 admittedly when complainant was not living in her matrimonial house. In my view, taking into consideration the facts of the case, nature of accusations against the applicant lady, her custodial interrogation is not required. However, for completing the investigation, applicant can be directed to attend the Police Station for holding investigation in the crime.

4. The applicant was granted interim protection by order dated 9th January 2020. Pursuant to the interim protection granted by this Court, the applicant has attended the Investigating Officer, which fact is confirmed by Police Officer present in the Court and the report submitted by learned APP.

5. Considering the aforesaid factual aspects, interim protection granted by this Court can be confirmed. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 9th January 2020 is confirmed;
- (iii) In the event of arrest of applicant in CR No.381 of 2018 registered with Wadala T.T. Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount.

(PRAKASH D. NAIK, J.)

MST