

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

ANTICIPATORY BAIL APPLICATION NO. 2208 OF 2021

1. Hasina Aadil Shaikh
2. Parvin Rajjabali Shaikh
3. Yasmin Salim Shaikh ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. R. R. Chaudhary, Advocate for the Applicants.

Mr. Y. Y. Dabake, APP for the Respondent – State.

Mr. Yogesh Patil (A.P.I.) Nalasopara Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 13th SEPTEMBER, 2021.

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 261 of 2021 registered with Nalasopara Police Station for offences under Sections 454, 380, 452, 143, 147, 149, 324, 323, 504, 506, 427 of Indian Penal Code (for short “IPC”).

2. The complainant has alleged that on 30th May, 2021, the applicants/accused had visited her residence and forcefully entered into the house. The applicants were accompanied by two other women. They assaulted the complainant and others by fist blows. Immediately after the incident, the complainant and other

went to the Police Station. The cupboard from the room of complainant was open and the cash and ornaments worth Rs.18,04,500/- were missing.

3. The brother of the complainant is married to applicant No.1 on 16th January, 2016. The applicant Nos.2 and 3 are sisters of applicant No.1. The applicant No.1 had lodged the complaint against brother of complainant with Nalasopara Police Station on 22nd February, 2019 vide C.R. No. 59 of 2019 for offences under Section 498-A, 406, 420, 504, 323 r/w Section 34 of IPC.

4. Learned counsel for the applicants submitted that the allegations in the FIR are after thought. The applicants had sustained injuries which are apparent from the injury certificate annexed to this application. On 30th May, 2021, both the sides had been to the Police Station. The applicants had tried to lodge the complainant with the Police Station with regards to the assault upon them. The Police had assured that cross complaints would be registered. However, no complaint was registered from either side. Subsequently, after a period of two days, the First Information Report (for short 'FIR') has been registered at the instance of the complainant against the applicants. There was sufficient time for complainant to concoct the allegations about theft of cash and

ornaments.

5. Learned APP submitted that investigation is in progress. Statements of witnesses were recorded which indicate that the applicants had visited the house of complainant and some of the witnesses have stated that they were found carrying some articles while leaving the premises. The custodial interrogation of the applicants is necessary.

6. The prosecution has not been able to understand as to why the complaint was not registered on 30th May, 2021. The injury certificate pertaining to the applicants indicate that they had sustained injuries and they were treated at Municipal Hospital obviously at the instance of concerned Police Station. If the theft of huge amount and ornaments was committed as alleged by the complainant, it is not clear as to why there was delay of two days in lodging the FIR. The applicant No.1 is the wife of the brother of complainant. The complaint under Sections 498-A & 406 and other connected offences was lodged by her against brother of complainant and others. In these circumstance, the applicants need not be subjected to custodial interrogation.

7. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 2208 of 2021 is allowed;
- (ii) In the event of arrest of the applicants in connection with in C.R. No. 261 of 2021 registered with Nalasopara Police Station, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall attend the investigating officer on 20th, 21st & 22nd September, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)