

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2731 OF 2021

Mrs. Ruksana Sayyadnoor Irani ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

.....
Mr.Satish R. Mishra for the Applicant.
Mr. A.A.Palkar, APP for the Respondent.

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CORAM: V.G.BISHT, J.
DATE: 24TH NOVEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 307, 323, 504, 506 of the Indian Penal Code (the IPC); under Section 37 (1) read with 135 of the Maharashtra Police Act, 1951; under Section 4 of the Arms Act and under Section 7 of the Criminal Law Amendment Act registered vide Crime No. 0312 of 2021 with Khadki Police Station, Pune City.

2. On 19.10.2021 at about 12.00 p.m., while the informant was proceeding towards the shop of his grandmother, accused Kazam @ Kazamfar and Humayun Irani intercepted him. Accused Sayyed Noor Jansa Irani, the relative of accused Kazam, and his wife, namely, Ruksana Sayyed Noor Irani (applicant) were also present. The prosecution alleges that the accused Kazam confronted informant as to why the wrong informations are being given to the police against them to which informant replied in negative. However, it is further alleged that accused Kazam started abusing and accused Sayyed Noor Jansa Irani and applicant then started beating him. The applicant and her husband then caught hold of both the hands of informant and told that he should be killed. Accused Kazam then took out a knife and gave a blow of the same on the neck of informant. At that point of time, the informant raised his hand and also he sustained injury of knife. He then raised commotion. The people gathered. Seeing the people from locality coming, all the accused fled away. Informant accordingly lodged the report.

3. Mr. Mishra, learned Counsel for the applicant, submits that the only role attributed to the applicant is that she had allegedly along with her husband, had caught hold of the hands of informant and then that accused Kazam assaulted the informant by means of his knife on his neck. Having regard to the role attributed to the applicant and the fact that there are no criminal antecedents, the applicant deserves to be given the benefit of anticipatory bail, argued learned Counsel.

4. Mr.Palkar, learned APP, on the other hand, opposes the submissions by contending that the applicant and her husband shared a common intention along with Kazam and in pursuance of their common intention assaulted informant. Investigation is in progress and therefore, there being no merit in the application, same is liable to be rejected.

5. I have carefully gone through the First Information Report. Although, it is seen that the applicant and her

husband had caught hold of the hands of informant and then only the accused Kazam gave a blow of knife on the neck of informant but if the FIR is read further carefully, then it would be seen that the informant had raised his hand in order to ward off the blow of knife and in that attempt he sustained injury on his hand. He nowhere makes it clear that after freeing his hands from the clutches of applicant and her husband, he raised his hand so as to deflect the blow of knife launched by accused Kazam.

6. Having regard to the material on record and the role attributed to the applicant, in my considered opinion, the applicant has made out a case for anticipatory bail. Hence, the following order :

ORDER

- i) The application is allowed.
- ii) In the event of arrest of the applicant in C.R.No. 312 of 2021 registered with Khadki Police Station, Pune City for the offences punishable under Sections 307,

323, 504, 506 of the IPC; under Sections 37 (1) And 135 of the Maharashtra Police Act, 1951 and under Sections 4 and 7 of the Arms Act, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs. 20,000/- with one or two local surety/sureties in like amount.

iii) The applicant shall not tamper with prosecution evidence.

iv) The application stands disposed of accordingly.

(V.G.BISHT, J.)

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