

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

ANTICIPATORY BAIL APPLICATION NO.332 OF 2022

Iqra Imran Boblai @ Iqra Tariq Shaikh Applicant
Versus
The State of Maharashtra Respondent

Mr. Asif Naqvi, Advocate for the Applicant.
Mr P.H. Gaikwad, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th FEBRUARY, 2022

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.54/2021 registered at Nerul Police Station, Navi Mumbai on under Sections 436, 323, 504, 506, 427 of the Indian Penal Code.

2. Heard Mr. Asif Naqvi, learned counsel for the applicant and Mr P.H. Gaikwad, learned APP for the State.

3. The FIR is lodged by one Sunita More. She has stated that her husband is working in merchant Navy and he

was on a ship. The informant was having the Mens Boutique at Seawood Corner Building, Shop No.5. Near that shop, there was an A/C repair shop of one Tariq Shaikh. The present applicant is Tariq's wife. It is alleged that the applicant was having some suspicion of some relationship between the informant and the applicant's husband and she used to frequently come to the informant's shop and pick up quarrels. On 30.9.2021, one such quarrel took place. The informant went to the police station to give complaint against the applicant. In the meantime the applicant poured some inflammatory substance in the shop and set the counter on fire. The fire-brigade came and extinguished the fire. On this basis, the FIR is lodged.

4. On merits, learned counsel for the applicant could not point out any circumstance in favour of the applicant. However, he submitted that the applicant is into her ninth month of pregnancy. The FIR was lodged in September, 2021 and, therefore, at this juncture her custodial interrogation is not necessary.

5. Learned APP produced investigation papers before me, which contains statements of the eye witnesses and the photographs of the damage caused to the shop.

6. I have considered these submissions. On merits, at this stage, the investigating agency has sufficient material to show involvement of the present applicant. There are eye witnesses and photographs of the damage caused to the shop. The incident was not a small incident.

7. However, the fact remains that the FIR was lodged on 30.9.2021 and since then the investigating agency has not taken any steps to arrest the applicant.

8. Today when she is in her ninth month of pregnancy, her custodial interrogation would not be justified on humanitarian grounds. Inaction on the part of investigation agency is also serious. Therefore, I am protecting the applicant by way of anticipatory bail order. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.54/2021 registered with Nerul Police Station, Navi Mumbai, the applicant is directed to be released on bail on her furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall co-operate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

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by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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(SARANG V. KOTWAL, J.)

Deshmane (PS)