

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

ANTICIPATORY BAIL APPLICATION NO.466 OF 2020

Smt. Fojiya Asfak Suriya & Anr. Applicants

versus

State of Maharashtra Respondent

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- Mr.Vahid A.S. Shaikh, Advocate for Applicant.
- Ms.Sharmila S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd FEBRUARY, 2022

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.24/2022, dated 10/01/2022, registered with Mumbra Police Station, Thane City, under sections 376, 494, 420 of the Indian Penal Code.

2. Heard Mr.Vahid A.S. Shaikh, learned counsel for the Applicant and Ms.Sharmila S. Kaushik, learned APP for the State.

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3. The FIR is lodged by the victim herself. She has stated that she was residing with her parents and brother. Her father was working in Saudi Arabia. Her mother's friend Rubina brought a proposal of one Shahid Akbar Saheblal Patel for marriage. On 03/06/2021 Shahid came to the informant's house with both the Applicants. The Applicant No.1 was introduced as his maternal aunt and Applicant No.2 was introduced as his sister. The engagement took place on 05/06/2021. On 23/12/2021, the marriage took place. After that, she started residing with Shahid at Mumbra. Her case is that both the Applicants were residing with them. The FIR mentions that Shahid had kept physical relations with the informant. On 07/01/2022 the Applicant No.2 told the informant that Shahid was already married. The informant came to know that Shahid's wife was residing at Antop Hill. The informant and her relative verified that Shahid's wife was staying there and she was pregnant. The informant realized that she was cheated and then she lodged this FIR.

4. Learned counsel for the Applicants submitted that the Applicants are falsely implicated. They have no role to play at all. The offence u/s 376 cannot be alleged against the present Applicants. Section 494 is bailable and section 420 of IPC is also not made out against the Applicants as there was no property involved as can be seen from the FIR.
5. Learned APP opposed this application based on the contents of the FIR.
6. I have considered these submissions. In the entire episode the role of the Applicants appear to be that they have not informed the informant about the first marriage of the informant's husband Shahid. However, both of them are ladies. The main allegations are against Shahid. Besides that neither of these section 376, 494, 420 can be attributed to the present Applicants as rightly submitted by the learned counsel for the Applicants. In this view of the matter, the custodial interrogation of the Applicants is not justified. They can be protected by an order of anticipatory bail

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.24/2022, dated 10/01/2022, registered with Mumbra Police Station, Thane City, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)