

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

ANTICIPATORY BAIL APPLICATION NO. 622 OF 2022

Nagma Bano Zahur Shaikh Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Maaz Ahmed Ansari for the Applicant.
Ms. A.A. Takalkar, APP for the State.
Ms. Swatantri Waghmare for Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant for pre-arrest bail in C.R.No.579/2021 registered with Jogeshwari Police Station for offences punishable under sections 377, 506 of the Indian Penal Code and sections 3, 4, 7 and 8 of The Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard Mr. Maaz Ansari, learned counsel for the Applicant, Ms. A.A. Takalkar, learned APP for the State and Ms. Swatantri Waghmare, learned counsel for Respondent No.2 – complainant. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by Najma Shaikh, the 1st wife of Ashfaq Abdul Latif Shaikh. The FIR prima facie reveals that the complainant and Ashfaq Shaikh have two children aged about 12 and 07 years. In March, 2020, her son who was 12 years of age, was having some health issues. She has stated that the Applicant and her brother had told the husband of the complainant that they would treat him with home remedies. The husband of the complainant started taking his son to the Applicant for treatment. The FIR reveals that the husband of the complainant and the Applicant fell in love and subsequently got married. The complainant had alleged that the Applicant herein, the 2nd wife of her husband, had sexually abused her son in the year 2020, while she was treating him with home remedies.

4. The FIR is lodged about one year after the alleged incident moreover after the complainant came to know that the Applicant herein had married her husband. Considering the above facts and circumstances, in my considered view, this would not be a case which would justify custodial interrogation. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.579/2021 registered with Jogeshwari Police Station, she shall be released on bail on furnishing bail bonds in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days from 04/04/2022 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall keep the Investigating Officer informed of her current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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