

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

ANTICIPATORY BAIL APPLICATION NO. 652 OF 2022

Mrs. Raziya Vijay Akhade	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. S.K. Ali i/b. A.A. Siddiquie & Associates for the Applicant.
Ms. M.M. Deshmukh, APP for the State.
Ms. Savita Jadhav, PSI, Pant Nagar Police Station, Mumbai.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending her arrest in C.R.No.75/2022 registered at Pant Nagar Police Station, Mumbai for offences punishable under sections 324, 384, 504 & 506 of the Indian Penal Code.

2. Heard Mr. S.K. Ali, learned counsel for the Applicant. He states that the Applicant herein had lodged the First Information Report against the husband of the complainant for outraging her modesty. As a counter blast, the complainant has lodged the present FIR. He

submits that the Applicant is not involved in committing any offence. He submits that the allegations of extortion are made after considerable delay i.e., after lodging of the FIR by the Applicant.

3. Learned APP submits that the Applicant has assaulted the complainant as well as her daughter. She further submits that several other crimes have been registered against the present Applicant and that the criminal antecedents would not justify grant of pre-arrest bail.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The allegations in the FIR dated 12/02/2022 lodged by the complainant – Usha Sugrim Gupta are that on 10/02/2022, the Applicant demanded Rs.10,000/- or a mobile phone of equivalent value for permitting construction of the loft. It is further alleged that on 12/02/2022, a camp was held for issuance of E-shram cards. The Applicant was collecting the documents and assisting the people in registration. The husband of the complainant instructed the complainant not to hand over the documents to the Applicant, resulting in altercation and scuffle. The complainant alleged that the Applicant

hit a chair on the head of her husband and assaulted her daughter with a bamboo stick.

6. The FIR thus prima facie indicates that there was an altercation between the Applicant and the husband of the complainant, two days prior to the incident and that the Applicant had lodged FIR against the husband of the complainant for abusing and outraging her modesty. Allegations of extortion are levelled belatedly after lodging of the FIR by the Applicant. The accusations of extortion prima facie stem out from previous enmity between the parties.

7. Considering the aforesaid facts and also considering the nature of the accusations levelled, this is not a case which would warrant 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.75/2022 registered at Pant Nagar Police Station, she shall be released on bail on furnishing bail bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for one week from 21/03/2022 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.

8. The Application stands disposed of.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2022.03.21
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(SMT. ANUJA PRABHUDESSAI, J.)