

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1476 OF 2022**

Sairan Nayab Khan .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr.I.A.Khan for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 06th JUNE 2022

P.C:-

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. My attention is invited to the order passed by the learned Additional Sessions Judge, Thane on 20/04/2022 whereby the bail application was partly allowed. Barring the present applicant, the application of the remaining accused persons came to be allowed and they were directed to be enlarged on bail in the event of their arrest, with a direction to co-operate with the investigating agency.

As far as the present applicant is concerned, since the complaint refers to her conduct of raising hue and cry in the police station and when she kept on asserting that she was assaulted, though she was not, and looking to her conduct in causing obstruction to the police, when they started investigation, was the ground which prompted the learned Judge to reject her application.

Her objectionable behaviour, specifically making out prima facie case under Section 353 of the IPC, is a ground for not extending the benefit of being released on bail, which is extended to the other accused. Amongst the Sections invoked in C.R.No.68 of 2022, only Section 353 is non bailable.

3. On perusal of the complaint and the nature of accusations levelled against the present applicant, particularly in the light of a complaint filed by the applicant herself, which is also registered with the same police station vide C.R.No.66 of 2022 invoking Sections 323, 324, 452, 506 read with Section 34 of the IPC and also Section 504, no custodial interrogation of the applicant is warranted. This is, however, subject to the stipulation that she will render her co-operation with the police machinery and will not behave in an unruly manner, which is an act attributed to her.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.68 of 2022 registered with Uttan Sagari Police Station, applicant-Sairan Nayab Khan shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall attend the police station on every Thursday and Friday between 3.00 p.m. to 5.00 p.m. for a period of two weeks and, thereafter, as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(SMT. BHARATI DANGRE, J.)