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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2077 OF 2022

Shagufta Ishrail Shaikh	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Abhinav Chandrachud a/w Vivek Pandey, Ridhima i/b Shagufta Ansari, for the Applicant.

Smt.Rutuja Ambekar, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 12TH AUGUST, 2022.

P.C.

1] The Applicant is a practicing Advocate since 2011 and permanent resident of Mumbai. She faces accusation in CR No. 263/2022 registered with D.B. Marg Police Station which invoke offences under Section 353, 420, 466, 467, 471, 228, 201, 193, 195(A), 509 r/w 34 of the Indian Penal Code.

She is apprehending her arrest in the said CR and has approached this Court.

2] The complaint came to be lodged with the concerned Police Station by the court clerk on 08.05.2022 stating that he is attached to 18th Court, Girgaon. He reported that on 05.05.2022, statement of the accused under Section 313 of the Cr.P.C. came to be recorded. The

response given to the questions were scribed and signatures of the accused were obtained on the same and the statement was taken on record by the learned Judge.

It is alleged that, the present Applicant who was representing the accused, obtained a copy of the said statement and it was noticed by the complainant that she was scribing on the said document. When he demanded the document back, he noticed that the questions to which the accused has answered as "True", was changed to "False". This fact being brought to the notice of the court, she was questioned, but she responded to the Court in a cavalier and unprofessional manner. It is alleged that she started arguing with the presiding officer of the Court, which caused obstruction in the process of administration of justice. It is also alleged that certain personal allegations were levelled against the Presiding officer.

3] The learned APP has placed before me the statement of the accused recorded under Section 313 of the Cr.P.C. and it can be seen that in Question Nos.17, 18, 20 and 23 the answers have been erased and corrected by replacing the word "True" with the word "false".

During the course of investigation, statements of several witnesses who were present in the Court at the relevant time, came to be recorded, who corroborate the version of the complainant.

4] During the course of hearing, the Applicant was directed to remain present before the Court. She has placed on record Affidavit sworn by the accused stating that he had corrected the answers from "True" to "False", since according to him the answers were mistakenly recorded as "True" instead of "False". He has also stated on Affidavit

that staff of the Court complained to the learned Judge and his Advocate offered an explanation and he left the court.

5] The Applicant who is present in the Court, however, expressed her remorse over the entire conduct, which is alleged against her and she was asked to submit an Affidavit before the Magistrate expressing apology to the said Court. Accordingly, on 10.08.2022 she had submitted an Affidavit expressing her faith in the system and recording her respect in regard to the authority and sanctity of the court. She has also tendered apology to the court for her alleged acts and she has stated that the conduct was not a deliberate act and she never intend to offend the Court.

6] The applicant has also filed Affidavit in this Court, where she has stated as under :

“1. I say that I am practicing advocate since last 11 years mostly in Girgaum Metropolitan Magistrate Court. I say that I regret the happenings of the event in the Ld. Metropolitan Magistrate’s 18th Court, Girgaon, Mumbai and submit that I have great respect with regard to the authority and sanctity of the Hon’ble Courts including the Hon’ble Presiding Officer of the Metropolitan Magistrates 18th Court, Girgaon, Mumbai.

2. I therefore unconditionally tender an apology to Hon’ble Court to any of my actions that has offended or disrespected the court. I have not deliberately or willingly made any allegations on the integrity and character of the Hon’ble court and I never intended to offend the Hon’ble Court. I hold great respect and high regard towards the authority of the Hon’ble Court.

3. I assure that no such incident will ever be repeated in the future.”

7] The Applicant is a practicing Advocate and she has expressed her unconditional apology to the concerned Court, and on 10.08.2022 the Court has taken apology on record. As the Applicant has expressed

remorse about her conduct and she has made a specific statement that she has faith in the Court and she shall render co-operation by reporting to Police Station, her custodial interrogation is not warranted.

Hence, the following order :

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.263/2022 registered with D.B. Marg Police Station, the applicant Shagufta Ishrail Shaikh 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 report to the concerned police station on 22.08.2022 and 23.08.2022 between 3.00 p.m. to 5.00 p.m. 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.

(e) The observations are made on the basis of apology expressed by the Applicant and depending upon the outcome of the investigation, the trial Court shall subejct the Applicant to trial for the offences with which she would be charged.

[BHARATI DANGRE, J]