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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.48 OF 2023

Salia Isak Shaikh

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

Mr. Muhammad Aseem h/f Mr. Sayyed Tauseef Yaseen, Advocate
for applicant

Mr. A. A. Jagatkar, APP for respondent - State

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 180 of 2022 registered with Peth Beed Police Station, Taluka and District - Beed Police Station for offence punishable under sections 452, 354, 327, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

2. FIR is lodged by Hudda Aref Shaikh alleging that she is resident of Mumbai and had come for delivery at her mother's house. On 26th August, 2022, at 8.30 p.m., when she, along with her three brothers, was present at the home, the applicant along with 3 other ladies, 5 persons and 7-8 unknown persons entered her house and asked whereabouts of her mother. They told her that her mother has fled away with their money and gold. They abused and slapped the informant and also gave fist and kick

blows to her. The applicant and two more accused persons snatched gold ornaments from her neck. One of the co-accused outraged her modesty.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor. Perused the papers of investigation.

4. The applicant has lodged FIR against the informant and her mother on 27th August, 2022 with Shivaji Nagar Police Station, Beed, alleging that by assuring to get hidden treasure from her house and by threatening that her son will die if money is not given to her, they have taken away gold ornaments, which is registered at Crime No. 359 of 2022 for offence punishable under section 420 read with 34 of the Indian Penal Code and under sections 3 and 4 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman Evil and Aghori Practices and Black Magic Act, 2013.

5. FIR, making similar allegations is lodged by one Raisunnisa Begum Shaikh against mother of the informant, which is registered at Crime No. 155 of 2022 for offence punishable under section 420 of the Indian Penal Code on 21st July, 2022.

6. It *prima facie* appears from the FIRs lodged by the applicant and Raisunnisa Begum that mother of the informant

has duped people by assuring them to double their gold by practicing black magic. In these facts, the argument of the applicant that only with a view to give counter blast to the FIR lodged by the applicant, the applicant is implicated in the present offence, is acceptable. The allegations of physical assault of the informant are not supported by medical certificate. The applicant has no criminal antecedents. In the facts of the present case, pre-trial custodial detention of the applicant is not necessary. The application is, therefore, allowed.

7. In the event of arrest of the applicant in Crime No. 180 of 2022 registered with Peth Beed Police Station, Taluka and District - Beed for offence punishable under sections 452, 354, 327, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, the applicant be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount. The applicant shall attend the concerned police station everyday from 18th to 21st January, 2023 between 10.00 a.m. and 12.00 noon and shall co-operate in the investigation. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE