

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 899 OF 2023

Shabana Sharifoddin Sayyad ...Appellant

Versus

The State of Maharashtra & Anr ...Respondents

Mr. M. A. J. Shaikh, Advocate for the Appellant
(through VC).

Mrs. G. L. Deshpande, APP for Respondent No. 1.

Ms. S. G. Sonawane, Advocate for Respondent No. 2
(appointed).

CORAM : R.M. JOSHI, J.

DATE : OCTOBER 31, 2023

PER COURT:

1. At the outset, Ms. S. G. Sonawane, learned appointed Counsel for Respondent No. 2/informant, states that on the last date of hearing when the matter was called out, she could not remain present. However, later on, she appeared before the Court. In the meantime, Mr. M. J. Sharma, learned Counsel, came to be appointed.

2. In that view, appearance of Mr. M. J. Sharma, learned Counsel, stands discharged.

3. This appeal is filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short '**Atrocities Act**') challenging order dated 15.09.2023 passed by learned Additional Sessions Judge, Ahmednagar rejecting application for regular bail in connection with Crime No. I-810 of 2023 registered with Shevgaon Police Station, Dist. Beed for the offences punishable under Sections 384, 386, 295(A), 298, 323, 504, 506 read with Section 34 of Indian Penal Code and Sections 3(2)(v-a), 3(2)(v) of the Atrocities Act.

4. Appellant is arrested in connection with aforesaid crime recorded at the instance of informant. Appellant is her neighbour and since last two months she was insisting upon her to convert herself into muslim religion and to leave her husband. She also told her to perform her second marriage and if marriage is performed, she will get money so that both of them will get benefits. When informant refused to concede to her insistence, she was threatened and sum of Rs. 20,000/- was extorted from her.

5. Learned Counsel for the Appellant states that

after filing of the charge-sheet, having regard to the nature of offence alleged against her, further custody of the Appellant is not necessary. It is claimed that there are not criminal antecedents against her.

6. Learned Counsel for the informant and learned APP opposed the said contention by submitting that here in this case informant was pressurized to convert herself and a sum of Rs. 20,000/- was extorted from her. According to them, having regard to the nature of offence, it is not a fit case for grant of bail.

7. Appellant is lady with no criminal antecedents. Investigation into the crime is already over with filing of the charge-sheet. In such circumstances, there is no propriety to keep her further in the custody. In such circumstances, this is a fit case for grant of bail. Hence, order:

O R D E R

- (i) Criminal Appeal is allowed.
- (ii) The Appellant be released on bail in connection with Crime No. I-810 of 2023 registered with Shevgaon Police Station, Dist. Beed for the offences punishable under Sections 384, 386, 295(A), 298, 323, 504, 506 read with Section 34 of Indian Penal Code and

Sections 3(2)(v-a), 3(2)(v) of the Atrocities Act on furnishing PB and SB of Rs. 25,000 (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

- (iii) She shall attend the concerned police station as and when required.
- (iv) She shall not contact the witnesses directly or indirectly.
- (v) She shall not interfere with the evidence in any manner whatsoever.
- (vi) Bail before trial Court.
- (vii) Fees of Ms. S. G. Sonawane, learned Counsel appointed for Respondent No. 2, is quantified @ Rs. 6,000/- (Rupees Six Thousand Only) to be paid by High Court Legal Services Subcommittee, Aurangabad.

(R.M. JOSHI, J.)

Malani