

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

ANTICIPATORY BAIL APPLICATION NO. 819 OF 2023

Tahera begum Anis Sayyad @

Rani Rizwan Haider Sayyad

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. V.S. Kulkarni i/b. Mr. Rohit Mahadik for the Applicant.

Mr. Shrikant Yadav, APP for the State.

Mr. Bharat Koyal, PSI, Nagpada Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 21st MARCH, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending her arrest in C.R.No.199/2023 registered with Nagpada Police Station, Mumbai for offences punishable under sections 143, 144, 323, 326, 341, 354, 504 r/w. 34 of the Indian Penal Code, section 37 of Maharashtra Police Act, 1951 and section 25(4) of Arms Act, 1959

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. Learned APP states that the Investigating Officer shall consider whether the provisions of section 34 or section 149 of the Indian Penal Code, are applicable.

4. The aforesaid crime was registered pursuant to the FIR lodged by Asgar Mehndi Kausar Hussain Sayyad. A perusal of the FIR prima facie reveals that there is a civil dispute between the first informant as well as the Applicant and her family members. The FIR reveals that on 21/02/2023, the Applicant along with her husband and others, went to the room of the Complainant and assaulted him and his wife.

5. The FIR does not attribute any specific role to the Applicant. The only allegation against her is that she along with others had assaulted the wife of the Complainant and others. The accusations are essentially against the co-accused-Rizwan, the husband of the Applicant herein.

6. Considering the role attributed to the Applicant herein, in my considered view, this would not be a case which would justify custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.199/2023 registered with Nagpada Police Station, Mumbai, she shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e., on 23/03/2022 and 24/03/2023 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the complainant and the prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) 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.

7. The Application stands disposed of.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2023.03.21
18:55:01 +0530

(SMT. ANUJA PRABHUDESSAI, J.)