

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

ANTICIPATORY BAIL APPLICATION NO. 832 OF 2023

Taniya Sharukh Sayyed

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Aditya Sharma for the Applicant.

Mrs. S.S.Kaushik, APP for the State.

Mr. Dattatraya Patil from Kurar P.Stn. Mumbai.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 23rd MARCH, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending her arrest in C.R.No. 10 of 2023 registered with Kurar Police Station, Mumbai, for offences under Section 326-B, 323, 504, 328 r/w. 34 of the Indian Penal Code.

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

3. The aforesaid crime was registered pursuant to the FIR lodged by Tanvirjahara Sharooq Sayyed. A perusal of the FIR reveals that marriage of the first informant and Sharooq Mustafa Sayyed was solemnized in the year 2017. It appears that there was matrimonial dispute between the parties. The husband of the first informant married

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second time, and the Applicant herein is the second wife. The first informant has alleged that on 24.11.2022 she had gone to her matrimonial home to collect the sewing machine. She claims that her husband forcibly tried to give her phenyl, however, she spat it out. She claims that thereafter the Applicant brought some liquid and tried to throw it on her face. Though she avoided it, some liquid fell on her chest due to which she sustained burn injuries. The first informant therefore claims that her husband tried to administer poison to her, whereas the Applicant attempted to throw acid on her face. She also claims that the Applicant and the co-accused abused and threatened her. On the basis of these allegations, the aforesaid crime has been registered.

4. The medical records reveal that the first informant had sustained some burn injuries on her chest. Though the medical records prima facie show the involvement of the Applicant in commission of crime, the records reveal that the Applicant has delivered a baby girl on 23.02.2023. The new born is hardly one month old. Considering this aspect and considering the nature injuries suffered by the first informant, in my considered view this is a fit case to exercise discretion under Section 438 of Cr.P.C in favour of the Applicant. Hence the order: t

(i) In the event of arrest of the Applicant in Crime No.10 of 2023 registered with Kurar Police Station, Mumbai, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive

Thousand Only) with one or two sureties in the like amount;

(ii) The Applicant shall report to the Investigating Officer on 27th and 28th March, 2023 from 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall keep the Investigating Officer informed of her current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)