

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

ANTICIPATORY BAIL APPLICATION NO. 943 OF 2023

Mrs. Sajida Ashfak Shaikh

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Milan Desai i/b. Mr. T.R. Patel for the Applicant.

Mr. Shrikant Yadav, APP for the State.

Mr. Sanjay Marathe, PI, Dahisar Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 30th 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.262/2023 registered with Dahisar Police Station, Mumbai for offences punishable under sections 354-A, 509, 500 r/w. 34 of the Indian Penal Code and sections 67(a) and 67 of the Information Technology Act, 2000.

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. The case of the prosecution in brief is that on 11/03/2023, there was a public meeting at Ashokvan Junction. The Complainant has

alleged that someone took her photograph while she was talking to the MLA, and morphed the same depicting the Complainant kissing the MLA and posted the same on facebook. Copy of the same was also pasted on some vehicles. The Complainant therefore lodged the FIR against the Applicant and others for outraging her modesty and other offences.

4. Learned APP submits that the Applicant has failed to respond to the section 41A notice. Learned APP further states that the letters have already been addressed to facebook to delete the said post.

5. Learned counsel for the Applicant, under instructions, states that the Applicant shall appear before the Investigating Officer as and when directed by this Court and surrender his mobile phone. He further states that the Applicant shall not forward or post any such picture to any other group or on social media. Statement is accepted as an undertaking to the Court.

6. In the light of the said statement and considering the nature of accusations, this would be a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.262/2023 registered with Dahisar 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 03rd and 04th April, 2023 between 11:00 a.m. to 02:00 p.m. and thereafter as and when required by the Investigating Officer ;

(c) The Applicant shall hand over his mobile phone to the Investigating Officer ;

(d) The Applicant shall not interfere with the complainant and the other 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 ;

(e) 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: 2023.04.03
14:58:33 +0530

(SMT. ANUJA PRABHUDESSAI, J.)