

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

ANTICIPATORY BAIL APPLICATION NO.1019 OF 2022

Afreen Shakeel Bano

..Applicant

VS.

The State of Maharashtra

..Respondent

Ms. Tripti R. Shetty for the Applicant.

Ms. A. A. Takalkar, APP for the State.

Mr. Dipak Powar, PSI, Malad Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 16, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 376, 376-D, 376(2) (n), 417, 380, 323, 504 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.60 of 2022 dated 12/02/2022 registered with Malad Police Station, Mumbai.

3. The incident is alleged to have taken place from 10/02/2022 to 12/02/2022. The FIR is dated 12/02/2022. It

is alleged by the prosecutrix that she received a phone call from her friend that she is being offered role in a film and she was supposed to sign an agreement. She reached at the given address at 6.00 a.m. where she was allegedly raped by the co-accused for two days. So far as the applicant is concerned, it is alleged that the applicant along with another friend of hers came to the place where the prosecutrix was allegedly raped. It is alleged that the applicant forcibly took the informant's mobile phone. Pursuant to the interim protection granted by this Court on 13/04/2022, the applicant has co-operated with the investigation. The mobile phone has been recovered. Even the charge-sheet has been filed. The only role attributed to the applicant is that she had told the prosecutrix to leave the house and she along with other accused abused and assaulted the prosecutrix. As the charge-sheet has now been filed and the applicant has co-operated, the custodial interrogation of the applicant is not required. The interim protection granted to the applicant is confirmed.

4. Hence, the following order :-

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R. No.60 of 2022 registered with Malad Police Station, Mumbai, the applicant-Afreen Shakeel Bano shall be released on bail on furnishing P.R. Bond to the extent of Rs.20,000/- with one or two sureties in the like amount.
- (c) The applicant shall report to the concerned police station as and when called.
- (d) The applicant to co-operate with the Investigating Officer.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
- (f) The applicants shall furnish the details of her residential address and phone number to the investigating officer.

5. The Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)