

Nikita

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

ANTICIPATORY BAIL APPLICATION NO.2298 OF 2023

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Rajiya Abdulgani Maniyar and Ors. ... Applicants

V/s.

State of Maharashtra and Ors. ... Respondents

Ms. Shaheen Kapadia a/w Mahenoor Khan i/b Ms.
Vijayalaxmi Khopade for the Applicant.

Mr. Amit A. Palkar, APP for the State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 18, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.308 of 2023, registered with Alephata Police Station for offences punishable under Sections 307, 328, 354-B, 498-A, 504, 506, 507, r/w 34 of the Indian Penal Code, 1860. The applicants are seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1973.

2. Prosecution case is as under:

The applicant No.1 is the mother-in-law of the informant. Applicant No.2 is the father-in-law of the informant, Applicant No.3 is the sister in-law of the informant. As such, Applicant No.4, is the husband of the Applicant No.3.

On 25.06.2023 at 12.30 pm, when the complainant was in her house, she was asked by Applicant No.1 and 2 the reasons for not bringing Rs.2,00,000/- from her father which they had demanded a year ago to purchase a flat. They abused the informant, while accused No.5 husband of the informant started beating her. Applicant No.3 called Applicant No.2, to her house. Upon her arrival she also started beating the informant. Accused No.4 also threatened to kill the informant and her maternal uncle. It is further alleged that the application No.1 to 3 and accused No.4 disrobed the informant and dragged her to the bedroom and attempted to kill her by administering liquid mosquito poison. Thereafter, the informant was taken to the Hospital of Dr. Waghmode in the neighbour's car by Applicant No. 1 to 3 which resulted in the instant FIR.

3. The applicants filed an application under Section 438 before the Sessions Judge which came to be rejected by order dated 13th July 2023.

4. On perusal of the first information report along with case diary produced by the prosecution, it appears that Dr. Waghmode Hospital, has issued a certificated stating that she did not find any poisonous substance in the stomach of the victim. Considering the relationship between the victim and the applicants and the nature of allegations which arise out of matrimonial dispute and the medical examination report, the applicants have made out a case for relief under Section 438 of the Criminal Procedure Code, 1973. Hence following order:

- a) In the event of arrest of the applicants in connection with C.R. No.308 of 2023, registered with Alephata Police Station for offences punishable under Sections 307, 328, 354-B, 498-A, 504, 506, 507, r/w 34 of the Indian Penal Code, 1860, they be released on bail on furnishing P.R. Bond in the amount of Rs.15,000/- with one or two sureties in the like amount;
- b) The applicants shall remain present before the investigating officer on 21st August 2023, 23rd August 2023, and 25th August, 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;
- c) The applicants shall cooperate with the investigation and make himself available for interrogation whenever required;
- d) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- e) The applicants shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- f) The applicants shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

5. The anticipatory bail application stands disposed of. No costs.

(AMIT BORKAR, J.)