

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2541 OF 2023

Nagina Shahanor Kazi ...Applicant

vs.

The State of Maharashtra and Anr. ...Respondents

Mr. Abdul Kader, for the Applicant

Mrs. A.A. Takalkar, APP, for the Respondent/State.

Mr. P.G. Gajjewar, API, Dehu Road police station present.

CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 07, 2023

P.C.:

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

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 336 of 2023 registered at Dehu Road police station for the offences punishable under sections 354-A, 354-D and 427 read with 34 of Indian penal Code, 1860 and section 12 of the Protection of Children From Sexual Offences Act, 2012.

3. The applicant is the wife of co-accused Shahanoor who allegedly initially outraged the modesty of first informant's daughter and daughter in law. It is further alleged that the co-accused has been harassing the daughter of the first informant and

when the matter was reported to the applicant on 14th June, 2023, the applicant, co-accused and the son of the applicant committed house trespass and the applicant abused the first informant and her family members.

4. The learned counsel for the applicant submitted that in respect of the very same incident, the applicant had lodged report with Dehu Road police station for the offences punishable under sections 354-B, 354-D, 427 read with 34 of the Penal Code and section 12 of the Act, 2012 and the said first information report was registered first in point of time vide C.R. No. 335 of 2023. Evidently, the role attributed to the applicant is that of alleged house trespass.

5. Prima facie there appears to be two versions of the one and the same incident. The co-accused Shahanoor has been arrested. In the backdrop of the nature of the accusations further custodial interrogation of the applicant does not seem warranted. I am, therefore, inclined to exercise the discretion in favour of the applicant

Hence, the following order.

ORDER

1] In the event of arrest in C.R. No.336 of 2023 registered with Dehu Road police station, the applicant Nagina Shahanor Kazi be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

2] The applicant shall cooperate with the investigation and attend Dehu Road police station, on every alternate Sunday in between 10 am to 12 noon till the next date.

3] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or the persons acquainted with the facts of the case.

4] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)