



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

ANTICIPATORY BAIL APPLICATION NO. 2727 OF 2023

Bisharath Nuruddin C.K.P.

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. S. R. Dube i/b Mr. Jitendra Tiwari, for Applicant.

Mrs. Ashwini Takalkar, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 3rd OCTOBER, 2023

PC:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 190 of 2021, registered with Market Yard Police Station, Pune for the offences punishable under Sections 120B, 420, 406, 504, 294, 389, 506 (2) read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) The first informant is a wholesale trader. In the month of December, 2020, the co-accused Nuruddin and Sufi had approached him and purchased Potato, Onion and Garlic. The accused had initially paid the price of the goods sold and delivered. Later on, the first informant alleged, the accused committed default in payment of the price of the goods to the tune of Rs.24,06,605/-. When the first informant visited the shop of the accused at Kandiyel (House), Peroad, Nadapuram, Dist. Kozikod, Kerala, the applicant who is the wife of Nuruddin, abused and insulted the first informant. Eventually, the accused Nuruddin and Sufi committed default in payment of the price of the goods. The first informant lodged the report.

4) The learned Counsel for the applicant submitted that the co-accused Nuruddin and Sufi were arrested and have since been released on bail. The only allegation against the applicant is that she had abused the first informant.

5) The aforesaid submission on behalf of the applicant is borne out by the allegation in the FIR. The applicant came in the frame only when she allegedly abused and insulted the first informant when he had visited the co-accused to seek the payment of the goods sold and delivered.

6) Custodial interrogation of the applicant is not at all warranted. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 190 of 2021, registered with Market Yard Police Station, Pune for the offences punishable under Sections 120B, 420, 406, 504, 294, 389, 506 (2) read with Section 34 of Indian Penal Code, 1860, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Market Yard Police Station, Pune, on 13th October, 2023 and 27th October, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by Investigating Officer.

III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

IV) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

V) The application stands disposed.

[N. J. JAMADAR, J.]