

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.477 OF 2023

Ruby Taj Salim Ansari and Another

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Sakkardara,
Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. R. Khan, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/08/2023

1. The present application is filed by the applicant for grant of anticipatory bail in the event of their arrest in connection with Crime No.64/2023 registered with Police Station, Sakkardara, Nagpur for the offences punishable under Sections 395, 452, 120-B, 419, 354, 354-D, 294, 506(2) and 427 of the Indian Penal Code and Section 66-C of Information Technology Act.

2. As per the contention of the applicants, the applicant No.1 is renowned Singer and sings Qawwali in various functions. She is also President Sangeet Kala Academy, Maharashtra and the applicant No. 2 is her husband. On 10.02.2023, the accusation was made against her on the basis of report lodged by mother of the victim on an allegation that the co-accused namely

Chinu Sultan @ Ravi Rajput expressed his willingness to marry with the complainant. Accordingly, on 20.06.2022, the co-accused No.1 had been to the house of the informant and after having formal talks with the mother of the informant for the purposes of solemnization of marriage, the co-accused proceeded towards Amritsar. On 22.06.2022, the engagement ceremony was held between the informant and the co-accused No.2. The co-accused No.2 insisted to have a sexual relationship with him but informant denied for the same, thereafter she was threatened. As far as the allegation against the present applicants is concerned, it is alleged that they have circulated the messages which have affected the image of the informant and on 26.01.2023 both the applicants entered in her house and assaulted her as well as her mother and applicant No.2 committed the theft of her mobile phone, one golden chain and one silver bracelet. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants. He submitted that due to the previous enmity both the applicants are implicated in the alleged offence. As far as the offence under Section 66-C under the Information Technology Act is concerned, the allegations are not against the present applicants. As far as the allegation regarding Sections 354, 354-D are also against the

co-accused. Only allegation against the present applicant No.1 is that she has circulated the message which caused harm to the reputation of the informant and the allegation against the present applicant No.2 is that he has snatched the mobile phone, one golden chain and silver bracelet by entering into the house of the informant. Considering the allegation, the custodial interrogation of the present applicants is not required. They will abide by all the conditions imposed by this Court and will cooperate with the investigating agency.

4. The said application is strongly opposed by the State on the ground that the applicants in furtherance of common intention with the co-accused defamed the victim as well as they have circulated the messages and caused the harm to the reputation of the victim and thereby committed an offence. Their custodial interrogation is required and hence, application deserves to be rejected.

5. Having heard both the sides and on perusal of the investigation papers, admittedly the allegation regarding the applicability of Section 354 and 354-D is concerned, the allegations are not against the present applicants. The only allegations against the present applicants is that they have circulated the message causing harm to the reputation of the victim and they entered inside the house and assaulted the victim and

her mother. Admittedly, as per the allegation, no weapon is used by the applicants, therefore their custodial interrogation is not required. As far as the allegation regarding the role of the present applicant No.2 is concerned, it is alleged that he has snatched the mobile phone, one golden chain and one silver bracelet from the house of the informant. Admittedly, the recovery of the said articles is required to be done therefore, as far as the prayer of the applicant No.2 is concerned, for grant of anticipatory bail cannot be considered. However, considering the allegation against the applicant No.1 her custodial interrogation is not required, in view of that, her prayer for grant of anticipatory bail deserves to be allowed. In view of that, I proceed to pass following order.

ORDER

- (i) The application is partly allowed.
- (ii) The applicant No.1 **Ruby Taj Salim Ansari** is released on anticipatory bail in the event of her arrest in connection with Crime No.64/2023 registered with Police Station Sakkardara, Nagpur for the offences punishable under Sections 395, 452, 120-B, 419, 354, 354-D, 294, 506(2) and 427 of the Indian Penal Code and Section 66-C of Information Technology Act, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant No.1 shall attend Police Station as and when required for the investigation purpose.

(5)

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(iv) The applicant No.1 shall not induce, threat or promise any witnesses or shall not communicate, contact with the victim or her mother in any manner.

(v) The prayer of the applicant No.2 for grant of anticipatory bail is rejected.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate