

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

ANTICIPATORY BAIL APPLICATION NO. 405 OF 2024

Sona Shivbabu Singh

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Anjali Patil for Applicant. _____

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12 FEBRUARY 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.50 of 2024 registered at R.C.F. Police Station, Mumbai, on 17.01.2024, under sections 394, 354, 509 r/w. 34 of the Indian Penal Code.
2. Heard Ms. Anjali Patil, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.
3. The F.I.R. is lodged by one 'P'. She has stated that, she was staying in that area with her husband, daughters and a son. Her brother and his wife were residing nearby. She had some quarrel in respect of B.M.C. pipeline with the other women from the area. On 16.01.2024, there was a quarrel between those

women and the informant. One Sahil Shaikh told the informant to meet the present applicant near a hotel in Chembur. The informant and her sister in law went to that hotel. At that time, the applicant abused them and gave blows to the informant's sister in law. One Rajesh Gupta outraged the modesty of the informant. Her sister-in-law's gold chain was forcibly taken away by the applicant. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the description of the incident in the F.I.R. is not correct. The applicant herself had lodged an F.I.R. vide C.R.No.48 of 2024 at the same police station under section 395, 354, 509, 504 and 506 (II) of the I.P.C. She has described the incident correctly. At that time, 'P's sister in law had outraged her modesty and had abused her. She was also assaulted. Even 'P' had committed the similar acts and the amount of Rs.25000/- was forcibly taken away. Her gold chain was also taken away. On this basis that F.I.R. was lodged. Learned counsel submitted that, there is an F.I.R. and counter F.I.R. The applicant has described the incident correctly in her own F.I.R.

5. Learned APP produced the investigation papers before

the Court. There is a statement of one Anita recorded U/s.164 of the Cr.p.c. It mentions that the applicant was caught by one woman and there was quarrel between them. The applicant and other women were fighting with each other. The applicant's clothes were completely torn. Learned APP submitted that, there are more than 25 N.Cs. registered against the applicant at the same police station and there are three registered offences U/s.509 and other offences of the I.P.C. against the applicant. She submitted that the applicant is creating trouble in the police station itself. She referred to one station diary entry of the R.C.F. police station which describes as to how the applicant was creating trouble in the police station itself.

6. I have considered these submissions. From the papers produced before the Court and the submissions made by both the sides, it is quite clear that the incident in question was a free fight between the two groups. Therefore, both the groups have exaggerated the description of the incident. Both of them are not telling the truth. Therefore, in this case, it is not necessary to subject the applicant to custodial interrogation. Learned counsel

for the applicant states that the applicant is willing to stay out of the jurisdiction of the said police station for a period of one year. The statement is recorded. This should be a sufficient safeguard for the time being. In this view of the matter, the applicant can be protected on such condition.

7. Hence, the following order :

ORDER

- i) In the event of her arrest in connection with C.R.No.50 of 2024 registered at R.C.F. Police Station, Mumbai, the applicant is directed to be released on bail on her executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The applicant shall stay outside the jurisdiction of the R.C.F. police station, Mumbai, for a period of one year. She shall not enter that jurisdiction for a period of one year.
- iii) With these observations, the Application is disposed of.

(SARANG V. KOTWAL, J.)