

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

ANTICIPATORY BAIL APPLICATION NO. 525 OF 2024

Sayara Khan	..Applicant
Versus	
The State of Maharashtra	..Respondent

Ms. Nazheen Khatri a/w. Sagar Samel for Applicant.
Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 26 FEBRUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.227 of 2023 registered at Chembur Police Station, Mumbai, on 02.05.2023, under Sections 364, 346, 347 and 120B of the Indian Penal Code. Subsequently, Section 302 of the I.P.C. was added.

2. Heard Ms. Nazheen Khatri, learned counsel for the applicant and Ms. Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The prosecution case is that, one Rohit Admane @

Musa Parkar was the applicant's husband. He was interested in the property of one Vishal and his mother Rohini. Therefore, all the accused namely Munir Pathan, Raju Darvesh, Jyoti Waghmare and Musa Parkar along with the present applicant entered into a conspiracy to abduct both of them and force them to transfer those properties. On 04.04.2023, both of them were abducted. Initially, they were taken to a bungalow at Panvel. Rohini was administered an injection. Vishal was also administered some injection and then he was murdered. His dead body was thrown away near Mumbai Ahmedabad highway, at a secluded spot. Rohini was taken to flat No.515, Pikadili at Goregaon. The investigating agency found Rohini in injured and precarious condition. She was rescued. The F.I.R. was lodged and the investigation was carried out. Some of the accused were arrested. The applicant is still absconding.

4. Learned counsel for the applicant submitted that, she is roped in because she is wife of the main accused Musa Parkar. Besides the statement of co-accused recorded U/s.27 of the Evidence Act, there is no other material against the present applicant. The flat in question was taken on rent by Munir Pathan.

There is no CCTV footage showing the applicant's presence at the time of commission of the offence of murder. She was not present anywhere near the spot.

5. Learned APP, on the other hand, submitted that, there is sufficient material against the present applicant. The charge-sheet is already filed. She particularly referred to the statements of Sayyad Farhan, Kishor Dave and Samir Shaikh. She submitted that, after committing murder of the deceased, the accused had taken Rohini to Ajmer. There, the applicant had made arrangement for their stay by putting her word to a person known to her. She had also accompanied others to Ajmer. She was a party in every step taken by the accused. Even thereafter, when Rohini was kept in a flat at Goregaon, it was the applicant who had arranged to keep her there. The documents in this case were kept in the house of the applicant's sister. All these are very strong and telling circumstances against the present applicant.

6. I have considered these submissions and I have perused the statements referred to by the learned APP, as well as,

by learned counsel for the applicant. As rightly submitted by learned APP, Sayyad Farhan's statement shows that the applicant and other 7 people had gone to his house at Ajmer. He was knowing the applicant and at her request, he had given his premises to those people. But he found their behaviour very suspicious and, therefore, he asked them to vacate his room. He had specifically referred to an old lady of about 80 years of age. The police had shown photographs of those seven persons who had come to his house; besides the applicant. He identified all of them and in particular he identified Rohini as one amongst them. Thus, this gives corroboration to the prosecution case that, Rohini was taken to Ajmer after administering injection to her. The statement of one Kishor Dave shows that the applicant had taken active participation in the discussion for transfer of the property belonging to Vishal and Rohini. The statement of Samir Shaikh shows that, on 08.04.2023 the applicant had taken flat No.515 Pikadili, Goregaon on rent and had occupied that flat from 15.04.2023; from where Rohini was rescued. All these circumstances are strong incriminating against the present

applicant. Therefore, her custodial interrogation in this grave and serious offence is absolutely necessary. No case for grant of protection U/s.438 of the Cr.p.c. is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)