

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

ANTICIPATORY BAIL APPLICATION NO.1110 OF 2024

Rubina Azizur Rehman Sayyed	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Naveen Chomal, Advocate a/w. Ashish Kachole for the Applicant.

Ms. Poonam P Bhosale, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.645/2023 registered at R.C.F. Police Station, Mumbai on 2.11.2023 under Sections 364-A, 394, 387, 323, 341, 342, 504, 506 read with 34 of IPC.

2. Heard Mr. Naveen Chomal, learned counsel for the Applicant and Ms. Poonam Bhosale, learned APP for the Respondent-State.

3. The FIR is lodged by one Mohd. Sarafraj Sheful Shaikh. He has stated that he was knowing all the accused involved in this case, including the present Applicant, as they were residing in the same slum area. One Akib @ Batala used to come to their area to meet one Ganesh Subramanian @ Doreman. About 20 days prior to the FIR, the informant's friend had told him that Akib @ Batala was a rich man but he did not pay what was due to the informant's friend Abdul. This fact was told by Abdul to one Kutti. Because of that, Kutti had abducted Akib's younger brother Aarif and had obtained Rs.1,50,000/- as ransom. Akib was entertaining a misunderstanding that Kutti had done that on the say of Abdul and the informant. Therefore, Akib was holding serious grudge against the Applicant and Abdul. On 31.10.2023 at around 11.30 p.m., Akib intercepted the informant's vehicle

and forcibly took him to a school in TATA Nagar, Deonar Colony, Govandi, Mumbai. Akib made some phone calls. Within a short time the Applicant and one Rana came there. They started abusing and beating the informant. It is alleged that Akib removed Rs.10,500/- from the informant's pocket under the threat of knife. He demanded Rs.50,000/- more. He asked the informant to make a phone call to his family members and to bring that amount. After some time, Ganesh and Rana left the place. They came back after some time. The informant told them to let him go and that he would bring the money. It is mentioned in the FIR that the Applicant told Akib to leave the informant. After that the informant was allowed to go at around 3.15 a.m.. He was scared but at the instance of his brother he approached the police and lodged this FIR on 2.11.2023 at about 5.25 a.m..

4. Learned counsel for the Applicant submitted that the investigation in this case is over and the charge-sheet is filed against the co-accused. The Applicant has not played

any role. The main accused Akib @ Batala was a rich man and, therefore, it was not possible that he would abduct the informant to get some amount. The informant was not financially well off and was not in a position to pay any money. He submitted that the allegations are made only to pressurize the Applicant and the other accused.

5. Learned APP opposed these submissions. She relied on the investigation carried out so far and she specifically relied on the statement of the informant. She also invited my attention to the recorded telephonic conversation.

6. I have considered these submissions and I have perused the charge-sheet which is annexed to this application itself. There are statements of the informant's mother and brother who have supported his allegations. The recorded conversation also refers to the demand of money. However, the question is how the Applicant was connected with this offence. There is a statement of one Jamir Shaikh, who had seen one person aged 22-23 years being assaulted by a 40

year old man and 40 year old lady. But there is no further investigation to enable him to identify the arrested accused Doreman and Rana.

7. The charge-sheet includes the statement of the Applicant's husband Rana who is also one of the accused. His statement indicates that they had gone to the spot after the informant was abducted and not before that. In any case the FIR itself mentions that Akib had already abducted the informant and after he had made some phone calls the Applicant and her husband who was also an accused in this case, came there. It is further alleged that, then all of them had beaten the informant. Therefore, there is a possibility that the Applicant was not involved in the main accused Batla's intention to abduct the informant. She had reached subsequently and had taken part only in beating; that offence may amount to Section 323 of IPC at the highest. She had in fact ultimately asked Akib @ Batala to allow the informant to go away from the spot. In a way, she had helped the

informant. Therefore, though there are some allegations against her, this conduct of the Applicant has helped the victim. Of course there are other allegations against the Applicant that she had also taken part in beating the informant but there is no motive attributable to the Applicant.

8. Learned APP, on instructions of the investigating officer, has not thrown any light about the possible motive that the Applicant would have against the victim. The allegations in the FIR show that Akib @ Batla was holding grudge against the informant. It was his personal enmity. The Applicant had nothing to do with that enmity. She had reached the spot subsequently and she had convinced the main accused Batla to allow the informant to go away from the spot. There is no reference to the Applicant in the recorded conversation. In this view of the matter, the custodial interrogation of the Applicant is not necessary. It is sufficient if she cooperates with the investigation. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.645/2023 registered at R.C.F. Police Station, Mumbai, the Applicant is directed to be released on bail on her furnishing a PR 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 attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
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2024.04.29
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