

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

ANTICIPATORY BAIL APPLICATION NO. 3636 OF 2023

Najmunnisa Abdul Rehman Bandar	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Sanjeev Kadam, Sr. Advocate a/w. Mr. Prashant Raut, Mr. Pratik Deshmukh, Ms. Aditi Rajput i/b. Mr. Mayur Sanap for the Applicant.
Ms. M.M. Deshmukh, APP for the State.
Mr. T.K. Sawant, PSI, Mandangad Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JANUARY, 2024.

P. C. :-

. This is the 2nd application for pre-arrest bail filed by the aforesaid applicant apprehending her arrest in C.R.No.0007/2023 registered with Mandangad Police Station, Ratnagiri for offences punishable under section 307 r/w. 34 of the Indian Penal Code.

2. The previous bail application was withdrawn when this Court had expressed disinclination to grant relief. The present application is filed mainly on the ground that the charge sheet has been filed and that the presence of the Applicant is not required for the purpose of custodial interrogation.

3. Mr. Sanjeev Kadam, learned senior counsel for the Applicant states that the Applicant initially attended the police station and co-operated

with the investigation despite which she was not arrested. He has placed on record the affidavit in this regard. He submits that the presence of the Applicant is not required for investigation.

4. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The aforesaid crime was registered pursuant to the FIR lodged by Tabassum Abdul Gani Bandar, the daughter-in-law of the Applicant herein. The facts narrated in the FIR prima facie indicate that there was matrimonial discord between the son of the Applicant and the first informant and hence, she had left the matrimonial home along with her two children. The FIR reveals that on 18/02/2023, at about 07:00 p.m., there was some altercation between the first informant and the Applicant herein. Abdul Baseed Aslam Bandar, the brother-in-law of the first informant had called the police by dialing 112. Police had visited the house and upon inquiry, she informed the police that she will visit the police station the next date and lodge the complaint. She has stated that at about 10:30 p.m., while she had gone to the kitchen, the Applicant and Aslam Abdul Rehman Bandar, her brother-in-law came towards her. The co-accused Aslam Abdul Rehman Bandar had a bottle filled with kerosene in his hand and the Applicant herein had a matchbox. Said Aslam Abdul

Rehman Bandar, her brother-in-law came towards her and poured kerosene on her body and the Applicant herein lit the matchbox and set her ablaze. Hence, the FIR came to be lodged against the Applicant and her son – Aslam for offence under section 307 of the Indian Penal Code.

6. The medical certificate prima facie indicates that the first informant had sustained burn injuries which are stated to be simple in nature. The material on record prima facie shows the involvement of the Applicant in commission of a serious crime.

7. Learned APP has placed before me the case diary which prima facie reveals that the Applicant was absconding since the date the previous bail application was dismissed. Furthermore, the Applicant has been shown as absconding accused in the charge sheet filed against the co-accused – Aslam Abdul Rehman Bandar.

8. Under the circumstances, the mere fact that the charge sheet has been filed would not justify grant of pre-arrest bail particularly, when there is no other change in circumstance. Hence, I am not inclined to entertain the subsequent bail application and the same is dismissed.

PREETI
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JAYANI

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Date: 2024.01.31
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(SMT. ANUJA PRABHUDESSAI, J.)