

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

ANTICIPATORY BAIL APPLICATION NO. 2628 OF 2024

Salma Vahid Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Rahul Yadav, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.
- Mr. Meghraj D. Jadhav, PSI, Samarth Police Station.

CORAM : MANISH PITALE, J.

DATE : 27th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Yadav, learned counsel for the applicant and Mr. Sonavane, learned APP for respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0095 of 2024, dated 04.05.2024, registered at Police Station Samarth, District Pune, for offences under Sections 307, 323 and 504 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The said FIR was registered on the statement of the informant, which describes the incident, wherein the informant and his wife suffered injuries at the hands of the accused persons. It appears that when the son of the co-accused person was questioned and scolded by the informant for unnecessarily playing with the lift in the apartment where the parties reside,

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the accused persons were enraged and they proceeded to brutally assault the victims.

4. The learned counsel for the applicant submits that the applicant was not specifically named as an accused in the FIR. He then invited attention of this Court to the statement of the informant and also statements of other witnesses, wherein the overt act attributed to her was assaulting by way of fists and kicks and also pulling the hair of one of the victims. It is submitted that there is no allegation of use of any weapon or inflicting any further violence on the part of the applicant. It is further submitted that co-accused persons have been granted regular bail and therefore, this Court may consider allowing the present application, as the applicant undertakes to cooperate with the investigation.

5. On the other hand, the learned APP submits that the statements of the witnesses recorded during the course of investigation, not only show presence of the applicant, but her active involvement in assaulting the victims is evident. It is submitted that in such a situation, this Court may not show indulgence to the applicant.

6. The genesis of the incident appears to be the questioning and perhaps scolding of the child of co-accused person by the victims, when the child was allegedly playing with the lift of the apartments. The manner in

which the accused persons reacted and violently assaulted the victims, is deplorable and an it is clearly on overreaction. The parties are residing in the same apartments, which further accentuates the situation and therefore, the Sessions Court has also taken care to impose a specific condition on the co-accused persons while granting regular bail that they shall not enter the said apartments upon being granted bail.

7. The co-accused persons were alleged to have used glass pieces to assault the informant. They have been granted regular bail. The statements recorded during the course of investigation, indicate that the applicant was indeed present at the date and time of the incident, although she was not specifically named as an accused in the FIR. But, the only overt act attributed to her is assault by way of fists and kicks and pulling the hair of one of the victims. There is no question of recovery of any weapons from the applicant. She is a lady and therefore, this Court is inclined to show indulgence. Nonetheless, appropriate stringent conditions shall be imposed on the applicant, while granting her relief.

8. In view of the above, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with
FIR No.0095 of 2024, dated 04.05.2024, registered at

Police Station Samarth, District Pune, she shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.

- (B) The applicant shall remain present before the Investigating Officer on 30th September, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer. She shall cooperate with the investigation.
- (C) The applicant shall not enter the apartment/complex, where the informant resides, during the pendency of the trial, except for taking out household articles.
- (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

10. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the

present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

11. The application is disposed of.

(MANISH PITALE, J.)