

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

Anticipatory Bail Application No.363 of 2023

Armana Naeem Bux

Age 30 years, residing at Chaudhary

Manzil, 4th Floor, 404, Plot E 168,

Sector 12, Koperkhairne,

Navi Mumbai – 400 709

...Applicant

v/s.

State of Maharashtra

(At the instance of Koperkhairne Police

Station, bearing CR No.189 of 2022)

...Respondent

With

Interim Application No.622 of 2024

In

Anticipatory Bail Application No.363 of 2023

Shaadab Harunali Khan

Aged about 36 years, R/o.

Room No.402/403, Chaudhary

Manzil, Fourth Floor, Plot No.168,

Sector 12 E, Khoparkhairne,

Navi Mumbai, Maharashtra

...Intervenor

In the matter of:

Armana Naeem Bux

Age 30 years, residing at Chaudhary

Manzil, 4th Floor, Plot No.168,

Sector 12E, Koperkhairne,

Navi Mumbai, Maharashtra

...Applicant

Vs.

State of Maharashtra

(At the instance of Koperkhairne Police

Station, bearing CR No.189 of 2022) ...Respondent

Mr Vinay Kate, a/w. Mr Chaitanya Shirasao and Mr Abhishek Godse, for the applicant.

Mr MG Patil, APP, for the respondent/ State.

None for the Intervenor.

PSI Vaibhav Navale, Koparkhairane Police Station, is present.

Coram: R.N. Laddha, J.

Date: 4 September 2024

P.C.:

Heard Mr Vinay Kate, the learned Counsel appearing on behalf of the applicant and Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.189 of 2022, registered at Koparkhairane Police Station, Navi Mumbai, for offences punishable under Sections 363, 392, 354, 504, 506, 509, 120-B, 452 and 342 read with 34 of the Indian Penal Code. The crime was registered based on the First Information Report (FIR) filed by the applicant's sister-in-law. The informant alleges that the applicant, her sister-in-law, and the co-accused, the family members, kidnapped her husband, assaulted her with fist blows, and robbed her jewellery and property documents.

3. The learned Counsel for the applicant contends that the applicant's brother, who is the informant's husband, was addicted to drugs and, therefore, required treatment at rehab centre. The informant's husband was taken to the rehab centre, which episode is being misused by the informant to say that he was being kidnapped. The applicant has no criminal antecedents, and the informant's husband was brought back to his residence by the applicant.

4. The learned Additional Public Prosecutor representing the respondent/State opposes the prayer for pre-arrest bail. He submits that the offence is serious and the applicant may tamper with the evidence or influence the witnesses. However, the learned APP acknowledges that the investigation is over and the applicant's custodial interrogation is not necessary. He further informs the Court that a charge sheet has been filed against the co-accused, and they are released on bail by the learned Magistrate.

5. Upon perusing the records, it appears that the applicant has been under interim protection since 7 February 2023, attended the Police Station and cooperated with the investigation. The co-accused have been arrested and released on bail by the learned Magistrate. Moreover, the learned APP, on instructions, acknowledges that the applicant's custodial interrogation is not necessary. The prosecution's apprehension of tampering with the

witnesses and evidence can be addressed by imposing appropriate conditions. In the circumstances, the present application is allowed. The ad-interim order dated 7 February 2023 is made absolute on the same terms and conditions. The application stands disposed of accordingly. As a sequel, the pending application also stands disposed of.

[R.N. Laddha, J.]