



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 736 OF 2024

Rubina Parveen w/o Shaikh Naushad and another Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. N.K. Bhangde, counsel for applicants.

Mr. S.V. Narale, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/11/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.137/2024 registered with Police Station, Rahimapur, District Amravati for the offence punishable under Sections 115(2), 137(2), 138, 140(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants are approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Nasmin Parveen Younus Shah, wherein she alleged that her sister is residing near to her house and the husband of her sister is residing at Amravati. On 16.08.2024, she was informed that some people from Amravati came at the house of her sister, and they were assaulting her. She immediately rushed to the spot of the incident and saw that the present applicants and other co-accused were forcefully dragging her sister and attempting to drive her in the auto rickshaw. She intervened in the quarrel and rescued her. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned counsel for the applicants submitted that as far as the other co-accused are concerned, they are already arrested. Present applicants against whom the general allegations are made, their custodial interrogation is not required. The offence punishable under Section 140(1) is only punishable with imprisonment up to ten years. The other offences for which the punishment provided is seven years. The applicants have already cooperated with the investigating agency, and their incarceration is not required. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and invited my attention towards the statements of the witnesses and submitted that the statements of the witnesses consistently show the role of the present applicants. In view of that, the application deserves to be rejected.

5. After hearing the learned counsel for the applicants and the learned APP for the State, perused the recitals of the FIR and various statements of the witnesses, from which it reveals that the general allegations are made against the present applicants, other co-accused are already arrested. As far as the allegations against the present applicants are concerned, which are only to the extent of assault by them by slapping her and pulling her hair. Thus, considering the role attributed to them, their custodial interrogation is not required. In view of that, they can be protected by granting

anticipatory bail. Accordingly, I proceed to pass following order.

ORDER

- a] Criminal Application is allowed.
- b] In the event of arrest in connection with Crime No.137/2024 registered with Police Station, Rahimapur, District Amravati for the offence punishable under Sections 115(2), 137(2), 138, 140(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicant Nos. ***(1) Rubina Parveen w/o Shaikh Naushad and No.(2) Seema Parveen w/o Abdul Shaikh*** shall be released on anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- c] The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- d] The applicants shall furnish their detailed address along with the address proof before the Investigating Officer along with their cell phone numbers.
- e] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

- f] The applicants shall not enter into the vicinity of Rahimapur, District Amravati, till further orders.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]