



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

CRIMINAL APPLICATION (ABA) NO. 812 OF 2024

Farida Bano w/o Sajjad Hussain 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. Naman K. Bhangde, counsel for applicant.

Mr. S.A. Ashirgade, Addl.PP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/12/2024.

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 applicant 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 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 applicant 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 applicant.

3. Learned counsel for the applicant submitted that as far as the present applicant is concerned, there is general allegations is made. He further submitted that the co-accused are already arrested and released on bail. He further submitted that the offence punishable under Section 140(1) of Bhartiya Nyaya Sanhita, 2023 is only punishable with imprisonment up to ten years. The other offences for which the punishment provided is less than seven years. He submitted that in fact, the offence is not made out as the victim was not abducted. Due to the family dispute between two families, this false FIR came to be lodged.

4. Learned APP strongly opposed the said application and submitted that the applicant and other co-accused have made attempts to kidnap the victim and caused the injury to the victim, and therefore, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and the learned APP for the State, perused the recitals of the FIR and various statements of the witnesses, from which it reveals that, out of family dispute some altercation or dispute arose between them, and out of that the FIR came to be lodged. Considering the nature of the allegation, custodial interrogation of applicant is concerned, which is not required. In view of that, the

applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the 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 – ***Farida Bano w/o Sajjad Hussain***, shall be released on anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- d] The applicant shall furnish her detailed address along with the address proof before the Investigating Officer along with her cell phone numbers.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

- f] The applicant shall not enter into the vicinity of Kapustalani, Tah. Anjangaon Surji, District Amravati, till further orders.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]