

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4318 OF 2025**

Ruby Munna Shaikh @ Ruby Javed Khan ...Applicant
Versus
State Of Maharashtra _____ ...Respondent

Mr. Sandeep D. Sherkhane *along with Priyanka Chhabra, for the Applicant.*

Ms. Anamika Malhotra, *APP for the State-Respondent.*

Mr. Sharad Jadhav, *PI, Santacruz Police Station, is present.*

CORAM Dr. Neela Gokhale, J.
DATED: 24th November 2025

PC:-

1. The Applicant seeks her release on bail in connection with FIR No. 1052 of 2025 dated 9th October 2025 registered with Santacruz Police Station, Brihanmumbai for the offences punishable under Sections 109(1), 49, 54, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”) and Sections 4 and 25 of the Arms Act, 1959.

2. The chargesheet in the present matter is yet not filed before the Trial Court.

3. The facts of the case, in brief, are that there was a quarrel between the First Informant, who is the injured victim, and the Applicant and her husband. A plain reading of the FIR indicates that the co-accused namely Javed, the husband of the Applicant, hit the First Informant on his head with a sickle (Koyta). The First Informant fell down and he has alleged that accused No.1, Javed, continued to beat him on his head. The role attributed to the present Applicant is that she encouraged said Javed to continue hitting the First Informant.

4. Mr. Sandeep Sherkhane, learned Counsel for the Applicant, submits that the Applicant herself was also injured and he has pointed to the medical certificate of the Applicant at page No.44 of the present Application issued by the BMC. I have perused the said medical documents. It appears that the present Applicant was also injured and the only role attributed to her is that she egged on Javed to assault the First Informant.

5. Mr. Sherkhane submits that there are two minor children alone at home being aged about 7 and 16 years respectively and there is considerable hardship being faced by the young children as there is nobody to look after them. Ms. Anamika Malhotra, learned APP, fairly concedes that there are no antecedents against this Applicant, although she points out that there are antecedents against the co-accused Javed.

6. Considering that the Applicant is a woman and that the only role attributed to her is that of encouraging said Javed to assault the First Informant, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;
- ii) The Applicant is permitted to furnish provisional cash bail of Rs.25,000/- for her release immediately and file undertaking that she will provide one or two sureties in the

like amount of Rs.25,000/- within a period of four weeks after her release, which shall be accepted by the Trial Court. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the Police Station concerned, till the charges are framed. She shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court;

iv) If the Applicant has not deposited her passport, the Applicant shall deposit the same with the concerned Police Station, if any;

v) The Applicant shall not leave India, without permission of the trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform her latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are prima facie and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)