

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1185 OF 2025

Mrs. Anam Ahmed Ansari. ... Applicant.
Vs.
The State of Maharashtra & Anr. ... Respondents.

Mr. Shekhar H. Singh, Advocate for Applicant.
Ms. Asmeeta Bhoir, Advocate for Respondent No. 2.
Mr. Sameer M. Mangaonkar, APP for respondent/State.
PI Amar Patil, IO, Vakola Police Station.

**CORAM : ASHWIN D.BHOBE, J.
DATE : 27TH MAY, 2025.
(VACATION COURT)**

P.C. :

1. Heard Mr. Shekhar H. Singh, learned Advocate for Applicant, Mr. Sameer M. Mangaonkar, learned APP for Respondent No. 1-State and Ms. Asmeeta Bhoir, learned Advocate for Respondent No. 2.
2. Applicant/Accused has filed the present Application under section 482 of the Bharatiya Nagrik Suraksha Sanhita 2023 (for short 'BNSS'), seeking anticipatory bail, in connection with the C.R. No. 222 of 2025 registered by the Vakola Police Station, for the offence punishable under Section 103, 109, 352, 115(2) r/w. 3(5) of the Bhartiya Nyaya Sanhita, 2023 (for short 'BNS').
3. Case of the prosecution is that on 16th March 2025 deceased victim Omprakash Malahu Sharma came in front of the scooty motor cycle rode by

Mr. Ahmed Ansari, husband of the Applicant. Applicant was the pillion rider. Altercation between them resulted in Omprakash Malahu Sharma being abused and assaulted by the Applicant and her husband Ahmed Ansari. Allegations against Mr. Ahmed Ansari are of assaulting Omprakash Malahu Sharma by paver-block on his head. Omprakash Malahu Sharma succumbed to the injuries to his brain.

4. Role of the Applicant, as revealed from the investigation is of assaulting the victim with her chappal, as well as fist blows and hand. Victim succumbed to the injury, caused to his head arising out of the assault, by use of the paver -block, alleged to have been used by Mr. Ahmed Ansari. Mr. Ahmed Ansari was immediately arrested and is in custody since then.

5. Applicant at the time of offence was at the stage of 30 weeks of her pregnancy.

6. Application for anticipatory bail bearing No. 621 of 2025 filed by the Applicant before the learned Special Judge, under the SC and ST(POA) Act City Civil & Sessions Court, Greater Mumbai, C.R. 60 was rejected on 5th April, 2025.

7. Mr. Shekhar Singh, learned Advocate appearing for the Applicant states that the prosecution has alleged that the Applicant had assaulted the deceased by chappal and fist blows. He submits that the deceased allegedly succumbed to the injuries which resulted out of the hit by pavor-block,

alleged to be used by Mr. Ahmed Ansari. He submits that the Applicant was at the stage of 39 weeks of pregnancy at the time of refusal of the Application for anticipatory bail bearing No. 621 of 2025. He states that the Applicant has now delivered and the child is presently 25 days old. He states that the investigation is completed. He states that in the event, the Applicant is released on bail, the Applicant shall cooperate in the matter and shall attend the trial as and when fixed before the trial Court. He states that the Applicant does not have criminal antecedents.

8. The learned APP states that the investigation is nearing completion. Recovery of pavor-block is made. He states that the Applicant is required for recovery of Chappal and helmet used by the Applicant for assaulting the deceased.

9. Ms. Asmeeta Bhoir, learned Advocate for the Respondent No. 2 submits that the offence involved in the crime is a serious offence. According to her, though the role assigned by the prosecution to the Applicant is of assaulting the deceased by fist blows and chappal, during the course of investigation, it is revealed that she had used helmet to assault the deceased. She states that the Applicant is the main instigator in the crime. According to her, this act is not an isolated act but an act which is a part of joint and continuous assault which resulted in the death of the deceased. She states that though the Applicant has now delivered child who is 25 days old,

that in itself would not be a consideration for releasing the Applicant on bail.

Ms. Asmeeta Bhoir, learned Advocate further submits that mother-in law of the Applicant at the instance of the Applicant is threatening the witnesses of the crime. She states that no indulgence be shown to the Applicant.

9. I have given due consideration to the arguments advanced by the learned Advocates and gone through the records with their assistance.

10. Record indicates that the role of the Applicant who was at the stage of 30 weeks' of pregnancy, is of assaulting the deceased by fists and Chappal. Investigation in the matter is nearing to completion, as stated by the learned APP. It is not the case of the Respondents that the Applicant had absconded after the incidence. Considering the nature of allegations against the Applicant, the Applicant now being mother of 25 days old child, no criminal antecedents of the Applicant being placed on record, custodial interrogation of the Applicant in the present case would not be required.

11. Objection of the prosecution for grant of bail to the Applicant being essentially for recovery of the chappal and helmet, the said issue is crystallized by the decision of the Hon'ble Supreme Court in the case of Sushila Aggarwal & Ors. v/s. State (NCT of Delhi) & Anr.¹.

12. Hence the present Application is allowed and the Applicant is secured by pre-arrest bail, subject to the following terms and conditions :

1(2020) 5 SCC 1

- (a) In the event of arrest in C.R. No. 222 of 2025 registered by Vakola Police Station, the Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount, to the satisfaction of the Special Judge, Under the SC and ST(POA) Act City Civil & Sessions Court, Greater Mumbai.
- (b) Applicant shall report to the Investigating Officer, Vakola Police Station on Monday of every week from 11 a.m. to 1 p.m. In the event the Applicant is required on any other day, by the Investigation Officer, the Applicant shall ensure her presence before the Investigating Officer.
- (c) Applicant shall cooperate with the investigation.
- (d) Applicant shall not tamper with the evidence or influence /threaten any of the witnesses in the present crime.
- (e) Applicant shall not leave the State of Maharashtra without prior permission from the Investigating Officer.
- (f) Applicant shall furnish her mobile number to the Investigation Officer.

12. The Anticipatory Bail Application is disposed of on the above terms.

[ASHWIN D.BHOBE, J.]