

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

Anticipatory Bail Application No.2087 of 2025

Rizvana Bra, Riyaz Pathan
Age-34 years, Occ-House Wife,
Residing at: Flat No.803, B Wing,
Haither Bhag Building, Narayan Nagar,
Mumbra, Dist: Thane--400612

... Applicant

versus

The State of Maharashtra
(Kamothe Police Station,
Tal. Panvel, Dist. Raigad)

... Respondent

Mr Kishan Chaudhari, a/w. Mr Rajabhau Chaudhari, for the
applicant.

Mr Anand Shalgaonkar, APP, for the respondent/ State.

Vimal Bidave, Sr. PI, a/w. Uday D Malekar, PN/2029, Kamothe
Police Station, is present.

**Coram: R.N. Laddha, J.
Date: 29 July 2025.**

P.C.:

By this application, the applicant seeks pre-arrest bail in
connection with CR No.113 of 2025, registered at Kamothe
Police Station, Navi Mumbai, for an offence punishable under
Section 303(2) of the Bharatiya Nyaya Sanhita, 2023.

2. According to the prosecution, the applicant is the legally

wedded wife of the informant. Due to ongoing matrimonial discord, the applicant began residing separately from the informant. On 3 March 2025, at about 1:00 p.m., while the informant was present at his workplace, the applicant arrived at his office premises and initiated a verbal altercation with him. During the course of this confrontation, she took away the informant's laptop without obtaining his consent. Despite repeated requests made by the informant on subsequent occasions, the applicant failed to return the laptop. As a result, the informant's professional work has been disrupted, prompting him to lodge the present FIR.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present crime and asserts her innocence. The learned Counsel submits that in the year 2023, the applicant filed a domestic violence case against the informant and also lodged an FIR on 29 March 2023, against his brother and friend under Sections 354, 509, 323, 504, 506 read with 34 of the Indian Penal Code. He further submits that the brother, who is accused in that FIR, is a witness in the present case.

4. The learned Counsel for the applicant submits that the applicant married the informant in 2012, and they have four

children who live with her. She had visited the informant's office to seek money for a child's treatment. While her anticipatory bail application was pending before the Sessions Court, she cooperated with the investigation. However, she was later constrained to file a complaint on 3 April 2025, against the then investigating officer for inappropriate video calls, on which no action has been taken. The present investigating officer is aware of this. The learned Counsel asserts that the applicant is an innocent and helpless woman and is being harassed by the informant, who works as an Assistant Professor in the College.

5. The learned Additional Public Prosecutor representing the respondent/ State, on instructions from the investigating officer who is present in the Court, has candidly acknowledged that the investigation is nearing completion. He further submits, in all fairness, that the custody of the applicant is not required.

6. Upon perusing the records, it appears that the alleged incident is stated to have occurred on 3 March 2025. However, the FIR in connection with this incident was registered only on 16 June 2025, indicating a substantial and unexplained delay of over three months in lodging the FIR. Such an inordinate delay raises serious questions regarding the credibility and genuineness of the allegations. It is pertinent to note that prior

to the registration of the present FIR, the applicant had already initiated proceedings under the Domestic Violence Act against the informant. Furthermore, the applicant had previously filed an FIR in March 2023 at the Mumbra Police Station against the informant's brother, who is cited as a witness in the present case, accusing him of the offence of molestation. During the pendency of her anticipatory bail application before the Sessions Court, the applicant has demonstrated her cooperation by appearing before the concerned Police Station. The record also reveals that she had submitted a written complaint to the police authorities alleging that the then investigating officer had been making unsolicited video calls to her and had used indecent and vulgar language during these communications.

7. While the applicant does not dispute her visit to the office of the informant, she has consistently maintained that her purpose was to seek financial assistance due to the illness of their son. Significantly, on 21 March 2025, she lodged a complaint with the police authorities stating that the informant had been threatening to falsely implicate her in a case involving the theft of a laptop. Subsequently, and notably, in June 2025, the present FIR came to be lodged against the applicant, alleging theft of the laptop. However, apart from a mere bald allegation, there is nothing on record to corroborate

or substantiate the claim that the applicant had, in fact, taken the laptop from the informant's possession. This assumption becomes even more doubtful when seen in light of the prior complaint filed by the applicant alleging that such a false implication was being threatened. It is also a matter of debate whether the alleged offence is actually made out in light of the facts and circumstances presented. There appears to be considerable doubt as to whether the essential ingredients of the offence, as required by law, are satisfied by the allegations put forth. Additionally, the learned APP acknowledges that the investigation is at an advanced stage, and the prosecution does not seek the applicant's custody.

8. In light of the foregoing circumstances, this Court finds it appropriate to allow the application. Accordingly, the application is allowed on the following terms :

(i) In the event of the applicant's arrest in CR No.113 of 2025, registered at Kamothe Police Station, Navi Mumbai, she shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

9. The application stands disposed of accordingly.

[R.N. Laddha, J.]