

AGK

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

ANTICIPATORY BAIL APPLICATION NO.3039 OF 2025

Nusrat Jahan Nisar Chaudhary ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

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GANESH
KULKARNI

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Mr. Aditya A. Katarnaware with Mr. Aditya A. Katarnaware for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the State.

Mr. V.S. Khatele, API, Mumbra Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 6, 2025

P.C.:

1. The applicant has approached this Court seeking pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The apprehension of arrest arises from Crime Register No. 1591 of 2025 registered with Mumbra Police Station for offences punishable under Sections 310(2), 74, 189(2), 189(3), 190, 191(2), 115(2), 352, and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

2. As per the prosecution, the complainant is the wife of accused No.1, Rafiq Kamdar. The complainant and accused No.1 have been living separately since the year 2022. On 1 October 2025, at around 12.00 noon, accused No.1, Rafiq Kamdar, was protesting outside Mumbai Police Station. The complainant,

accompanied by her two children, went there to meet him. At that time, accused No.1, Rafiq, along with accused No.2, Shahid Shaikh, allegedly abused the complainant. It is further alleged that accused No.3, Arif Khan, caught hold of the complainant from behind, accused No.4, Parvez, and the present applicant, accused No.5, slapped her. During the scuffle, accused No.2, Shahid, snatched the gold chain of the complainant weighing about 10 grams. Based on these allegations, the complainant lodged the First Information Report.

3. Learned Advocate appearing for the applicant submitted that the allegation against the applicant is only of assaulting the complainant without the use of any weapon. He pointed out that the applicant is a woman with no previous criminal record. He submitted that the incident appears to be a result of a sudden quarrel, and the role attributed to the applicant is general in nature. Considering that the complaint names about eight to ten persons and that no specific overt act beyond a single slap is alleged, the learned Advocate contended that custodial interrogation is not warranted. Hence, protection under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, may be granted.

4. On the other hand, the learned Assistant Public Prosecutor opposed the application. She submitted that the allegations against the applicant are of a serious nature. The FIR and statements of witnesses clearly assign to the applicant the act of assaulting the complainant. She argued that custodial interrogation is necessary to verify the sequence of events and the involvement of each

accused. Therefore, she prayed that the application for anticipatory bail be rejected.

5. Having considered the rival submissions and on perusal of the material on record, the following reasons weigh with this Court for granting protection to the applicant.

6. The incident appears to have occurred in the course of a sudden quarrel between family members. The complainant is the estranged wife of accused No.1. The dispute, therefore, appears to have a personal background arising out of strained matrimonial relations rather than being a pre-planned or organized offence.

7. The specific role attributed to the present applicant is limited to having slapped the complainant. There is no allegation of use of any weapon or infliction of any serious injury. The allegation against the applicant, even if accepted at its face value, would fall under a minor category of assault not involving grievous hurt or endangering life.

8. The investigation papers do not disclose that any recovery or discovery is to be effected from the applicant. The offences alleged are such that custodial interrogation would not serve any further purpose. The material facts are already within the knowledge of the investigating officer through the complaint and statements of witnesses.

9. The applicant is a woman and has no criminal antecedents. There is nothing on record to suggest that she is likely to abscond or tamper with evidence. The apprehension of the prosecution that her custodial interrogation is essential is not supported by any

specific reason or material.

10. The law is well settled that arrest should not be resorted to unless it is absolutely necessary for the purposes of investigation. The Supreme Court has repeatedly held that personal liberty cannot be curtailed mechanically, and the object of pre-arrest bail is to protect innocent persons from unnecessary humiliation and detention during investigation.

11. Having regard to the nature of allegations, the role attributed, and the overall circumstances, this Court is satisfied that the applicant has made out a case for grant of protection under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

12. Accordingly, the application deserves to be allowed by granting anticipatory bail to the applicant, subject to appropriate conditions to ensure her cooperation with the investigation and attendance as and when required by the Investigating Officer.

13. Hence, following order is passed:

a) In the event of arrest of the applicant in connection with Crime Register No.1591 of 2025 registered with Mumbra Police Station, the applicant be released on furnishing personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with her recent self-attested photograph and one or two sureties of the like amount on the following conditions at the satisfaction of the investigating officer;

- b) The applicant shall remain present before the Mumbai police station concerned on 10th, 12th, and 14th November 2025 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called by the Investigation Officer.
 - c) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;
 - d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
 - e) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
 - h) The applicant shall maintain law and order;
 - i) The applicant shall, at the time of execution of the bond, furnish her address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
 - j) The applicant shall regularly remain present during the trial, and cooperate with the trial court to complete the trial for the above offence
- 14.** The application for anticipatory bail is allowed and disposed of.

(AMIT BORKAR, J.)