

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1319 OF 2015

Mr. Rafique Rehman Shaikh .. Applicant  
Versus  
State of Maharashtra & Anr. .. Respondents

Mr. Rajiv Patil, Sr. Counsel i/b Mr. Onkar V. Warange for the Applicant.  
Ms/. P.P. Shinde, A.P.P. for the State.

**CORAM :- SMT. SADHANA S. JADHAV, J.**  
**DATED :- 15<sup>th</sup> JULY 2015.**

**P.C. :-**

1 Heard. This is an application under Section 439 of Cr.P.C. Applicant herein is arrested on 25.08.2014 in C.R. No.169 of 2014 registered at Bhiwandi City Kumbharwada Police Station for the offences punishable under Sections 376, 307, 342, 498A, 406, 323, 504 r/w 34 of I.P.C.

2 The investigation is completed and chargesheet is filed. The complainant Mrs. Afrin Shaikh happens to be the wife of the present applicant. On 07.07.2014 she lodged a report at the Police Station alleging therein that she got married to the present applicant on 21.04.2014. For about 15 days she was treated well in her matrimonial house. It is alleged that the present applicant was divorcee. She has realized that he was in constant contact with his first divorced wife. There was a demand from the applicant to the tune of Rs.50,000/-. Her father had made every attempt to satisfy the demand. It is also alleged that the present applicant had assaulted

and abused the complainant on trifling grounds. It is further alleged that on 04.07.2014, the members of the matrimonial family with the sister of the applicant and other relatives had attempted to administer some spurious substance to the complainant. There is also an allegation that the brother of the present applicant had ravished the complainant against her wish on 30.06.2014. It is specifically averred that on that day, the present applicant was not at home.

3 It is apparent on the face of the record that the registration of the offence is an outcome of a matrimonial dispute. The applicant has been in jail for nearly 11 months, he, therefore, deserves to be enlarged on bail.

4 The observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned trial Court shall decide the matter uninfluenced by the observations made by this Court.

5 Hence the following order is passed.

#### **Order**

- I) In view of this, the application is allowed.
- II) Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.25,000/- and one or more sureties in the like amount.
- III) The applicant shall present each and every day at the time of trial. Co-accused shall not claim parity with the present applicant in any manner.

**(SMT. SADHANA S. JADHAV, J.)**