

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1648 OF 2014

1. Jishan Iqbal Patel
2. Noorjahan Iqbal Patel
3. Salman Iqbal Patel
4. Faizan Iqbal Patel
5. Saideen Iqbal Patel

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Sachin Chandan for Applicant
Ms. Vira Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 20, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. By an order dated 13/01/2015, applicants herein were protected by way of interim orders. Applicants were directed to report to the concerned police station on 18/01/2015 between 10.00 am to 12.00 noon and co-operate with the investigating agency.

2) Learned APP submits that applicant nos. 3 & 4 have not reported to the

ism

police station, where as applicant nos. 1, 2 & 5 have complied with the order.

3) Taking into consideration the fact that applicant nos. 3 & 4 have defied the order of this Court, their interim protection stands vacated. However, interim relief granted in favour of applicant nos. 1, 2 & 5 need to be considered. Offence is an outcome of a matrimonial dispute. Custodial interrogation would not be imperative in view of the Judgment of Hon'ble Apex Court in the case of **Arnesh Kumar v/s. State of Bihar (2014) 8 SCC 273** in which Hon'ble Apex Court observed that :

“Arrest brings humiliation, curtails freedom and cast scars forever. Law makers know it so also the police. There is a battle between the law makers and the police and it seems that police has not learnt its lesson; the lesson implicit and embodied in the Code of Criminal Procedure.”

4) Hence, following order.

ORDER

(i) Interim relief granted in favour of applicant nos. 1, 2 & 5 is hereby confirmed.

(ii) Application of applicant nos. 3 & 4 stands rejected.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)