

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.268 OF 2016
WITH
INTERVENTION APPLICATION NO.215 OF 2016**

Mohmmad Aslam Mohd. Jafer Shaikh
and Another ... Applicants

vs.

The State of Maharashtra ... Respondent

Ms. Sonal Parab i/b. Mr. Rajeev Sawant and Associates, for the
Applicants.

Mrs. M.H. Mhatre, APP for Respondent – State.

Ms. Jindagi Shah a/w. Mr. Husen Shaikh, for the Intervener.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 11th MARCH, 2016

P.C.:

. The application is moved for pre arrest bail as the applicants/accused are facing charges for the offences punishable under Sections 498(A) and 406 read with 34 of the Indian Penal Code in C.R. No. 6 of 2016 registered with Kurla police station, Mumbai.

2. The complainant-wife Smt. Humera Shaikh lodged the offence on 13th January, 2016. It is her case that she got married with the co-applicant/accused No. 1 on 14th March, 2014. At the time of

marriage, her parents gave cash of Rs. 2 lacs. After marriage, she started residing with the applicants/accused. However, her husband harassed her with cruelty. The applicants/accused are the paternal aunt and paternal uncle of the complainant. They also supported her husband and tortured her, used to threaten her and pressurize her with continuous demand of money. They also demanded money from her mother. Her husband was working in Saudi. On 26th December, 2015 at night her husband gave *Tallaq* on phone. Therefore, she lodged the complaint. Her gold ornaments of Rs. 4,50,000/- are with the applicants/accused.

3. The learned counsel for the applicants/accused submitted that the applicants/accused are ready to return whatever articles kept with them. However, she denies that gold articles are with them.

4. The learned prosecutor opposes this application. However, it is submitted on instructions that the custody of the applicant is not required. The learned counsel for the complainant also opposes the application. She submitted that husband is also accused in this case however, he has gone to Saudi.

5. In view of these submissions and the statement made by the learned prosecutor, the custody of the applicants/accused is not required, I am inclined to grant anticipatory bail to the applicants. With this, I pass the following order.

- (a) The anticipatory bail application is allowed.
- (b) In the event of arrest, the applicants/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 25,000/- each with one or two solvent sureties in the like amount;
- (c) The applicants shall not harass the complainant or her family members in any manner.
- (d) The applicants shall cooperate with the Investigating Officer and shall attend Kurla police station on every Thursday between 8.00 am to 10.00 am, till filing of the charge-sheet.

6. In view of the above, the anticipatory bail application as well as intervention application is disposed of.

(MRS.MRIDULA BHATKAR, J.)