

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

ANTICIPATORY BAIL APPLICATION NO. 625 OF 2016

Dr. Hasan Raza Izhar Alam Siddiqui	.. Applicant
Versus	
The State of Maharashtra & Anr.	.. Respondents

Mr. M.A. Shaikh, Advocate for the Applicant.
Ms. Rutuja Ambekar, A.P.P. for the Respondent – State.
Mr. R.A. Shaikh, Advocate for Respondent No.2.

CORAM : N.W. SAMBRE, J.

DATED : 28th NOVEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.83 of 2016 for the offences punishable under sections 376, 498A, 406, 420, 417, 324, 109 r/w. 34 of the I.P.C.

2 The alleged incident came to have taken place in between 13.10.1998 to 20.03.2016. Admittedly the complainant was married to applicant way back in 1998 out of which relationship two children were born.

3 It is claimed in the prosecution story that the present applicant who has more than one wife has divorced her, thereafter, made her to understand that the relationship continues and entered into physical relationship with her.

4 The learned counsel for the applicant submits that the relationship between the applicant and complainant is not disputed however, according to him, looking to the nature of allegation in the F.I.R., relationship between the parties, the custodial interrogation is not warranted. According to him, he is voluntarily ready and willing to pay Rs.10,000/- per month to the complainant towards in addition to the property bearing Room No.32 A, 3rd floor, Haji Yusuf Manzil, 3rd Sankli Street, Byculla (W), Mumbai, and Room No.37, 3rd floor, Haji Yusuf Manzil, Sankli Street, Byculla (W), Mumbai, and also in addition to above amount of Rs.10,000/-.

5 While opposing the bail application, the learned A.P.P. who is assisted by the learned counsel for the complainant submits that the present applicant has practiced fraud on the complainant and has made her to resign from her job, denied her claim in the other property which was given to her by her father i.e. Irfan Palalce, Flat No. 1301, 13th floor, 3rd Sankli Street, Agripada, Mumbai. It is also claimed that the applicant having divorced the complainant, has established the relationship against her wish, as such offence under Section 376 and the need of custodial interrogation.

6 Having bestowed my thoughts, the issue as regards the divorce is under dispute in the present case. It is then required to be noted that the relationship between the applicant and the complainant is for more than about 17 years and both are blessed with children who are now grown up.

7 Looking to the nature of relationship between applicant and complainant, the nature of allegation and the events as occurred in last

about a year, in my opinion the custodial interrogation is not warranted. In view thereof, application stands allowed.

8 In the event of arrest, the applicant be released on bail on executing PR. Bond of Rs.50,000/- with one or two sureties in the like amount. The applicant shall attend police station on 7th, 9th and 13th December 2016 between 10.00 a.m. to 12.00 noon and thereafter as and when called. The applicant shall not tamper with the evidence or influence the witnesses.

(N.W. SAMBRE, J.)