

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

ANTICIPATORY BAIL APPLICATION NO.1101 OF 2016

Amir Hamza Abdul Sattar Shaikh	.. Applicant
Versus	
The State of Maharashtra & Anr.	.. Respondents

Mr. S.R. Gaud, Advocate for the Applicant.
Ms. S.S. Kaushik, A.P.P. for the Respondent – State.
Mr. B.D. Chauhan for Intervener.
Mr. Yatin Patil, P.S.I. Sir J.J. Marg Police Station, present.

CORAM : N.W. SAMBRE, J.

DATED : 28th NOVEMBER, 2016.

P.C. :

1 Out of matrimonial discord the wife, filed a complaint against the applicant resulting into registration of Crime No.113 of 2016 for the offences punishable under sections 498-A, 406 r/w. 34 of the I.P.C.

2 The complainant claimed to have married with the present applicant, however, initially after staying together, in view of differences, she started staying with her parents. The prosecution story alleges that the applicant has harassed the complainant on the count of demand of money and ill-treated her for her improper behaviour.

3 Perused the investigation papers though the learned A.P.P. assisted by the counsel for the complainant has opposed the bail, the return

of stridhan as is reflected in the panchnama dated 18.06.2016 is not in dispute. The custodial interrogation is sought only for the purpose that additional stridhan is required to be recovered.

4 In my opinion, for recovering the remaining stridhan the remedy of the applicant lies elsewhere and not in the present bail application. There appears to be dispute as regards whether there was any additional stridhan or not.

5 However, for the said purpose, the background of contents of the F.I.R. in my opinion, custodial interrogation is not warranted.

6 In view thereof, application needs to be allowed. In the event of arrest, the applicant be released on bail on executing PR. Bond of Rs.25,000/- with one or two sureties in the like amount. The applicant shall attend police station on 6th and 9th 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. Till conclusion of trial, the applicant shall not visit or enter into the premises of the complainant.

(N.W. SAMBRE, J.)