

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1610 OF 2015

1. Jafar Alam Rais Ahmed Siddhiqi
2. Sabana Jafar Siddhiqi
3. Abdulgani Abdul Rahim Shaikh
4. Fareen Jafar Siddiqi
5. Afrinbegum Zafar Siddiqui
6. Shabrin Zafar Siddiqi ... Applicants

Vs.

1. The State of Maharashtra
2. Farheen I. Siddiqi ... Respondents

ANTICIPATORY BAIL APPLICATION NO. 1611 OF 2015

Mohd. Imran Jafar Siddhiqi ... Applicant

Vs.

1. The State of Maharashtra
2. Farheen I. Siddiqi ... Respondents

Mr. Ajay K. Singh, Advocate for the applicants in both the matters.

Mrs. Rutuja Ambekar, APP for the State in ABA/1610/2015.

Mrs. P.P. Shinde, APP for the State in ABA/1611/2015.

Mr. Chintan Y. Shah, Advocate for respondent no. 2 in both the Applications.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 12th April, 2016.

P.C.:

Anticipatory Bail Application No. 1610 of 2015 is moved for pre-bail by the father-in-law, mother-in-law, brother-in-law and sisters-in-law of the complainant. Anticipatory Bail Application No. 1611 of 2015 is moved by the husband of the complainant. All the applicants/accused are facing charges under sections 498A, 406, 323, 506(2), 504 r/w. 34 of the Indian

Penal Code in C.R. No. 329 of 2015. The offence is registered at the instance of Farheen Imran Siddiqi with MIDC Police Station, Mumbai.

2. It is the case of the prosecution that the complainant got married with applicant/accused Mohd. Imran Jafar Siddiqi on 27th January, 2013. After marriage, she was continuously tortured physically as well as mentally by her husband, mother-in-law, father-in-law and sister-in-law. There was continuous demand of money and articles from them. Her mother-in-law, sister-in-law used to demand articles from her father. On number of occasions, she was not given food to eat. When the complainant's mother arrived at her house to enquire about the matter, she was beaten up by complainant's in-laws. In the month of October, 2015, her mother gave Rs.50,000/- to her husband and also brought material of Rs.3 lakhs to start the business. On 18th January, 2014, the complainant delivered a baby girl, however, none from her family came to see her. She was compelled to stay with her mother. In the month of May again, they started residing together. Her husband used to beat her mercilessly and also abused her. It is the case of the complainant that though her neighbours tried to intervene, her husband and mother-in-law used to abuse them. When she was pregnant again in the year 2015, her husband kicked her in the stomach and she was physically tortured. She delivered a baby boy on 18th March, 2015, however, no money was given for her

delivery and nobody came to see her. Therefore, she lodged complaint on 8th June, 2015 against the applicants/accused.

3. The learned counsel for the applicants/accused submitted that the matter was sent for mediation, however, mediation failed. He submitted that the applicants are innocent and they have not committed any offence. The applicants/accused did not assault the complainant at any time. Hence, the applicants be granted pre-arrest bail.

4. Learned APP opposed the Application. She relied on the statements of the neighbours.

5. Perused the FIR, statements of the neighbours which are produced by learned APP. The neighbours have stated that the mother-in-law, who is step-mother of complainant's husband and father-in-law treated her in a cruel manner and she has been beaten up on number of occasions by her husband and when they intervened, they were warned and abused by husband and mother-in-law of the complainant. Considering the manner in which the complainant was beaten up and tortured throughout though she has delivered two children out of this wedlock, I am not inclined to grant pre-arrest bail to applicant Mohd. Imran Jafar Siddiqi in Anticipatory Bail Application No. 1611 of 2015 and applicant no. 2 Sabana Jafar

Siddhiqi in Anticipatory Bail Application No. 1610 of 2015. The police to follow the procedure under section 41 of the Cr. PC. The applicants/accused Jafar Alam Rais Ahmed Siddhiqi, Abdulgani Abdul Rahim Shaikh, Fareen Jafar Siddiqi, Afrinbegum Zafar Siddiqui and Shabrin Zafar Siddiqi are granted pre-arrest bail on the following terms and conditions:

ORDER

- (i) In the event of arrest, the applicants/accused Jafar Alam Rais Ahmed Siddhiqi, Abdulgani Abdul Rahim Shaikh, Fareen Jafar Siddiqi, Afrinbegum Zafar Siddiqui and Shabrin Zafar Siddiqi be enlarged on bail on furnishing PR. Bond in a sum of Rs.20,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall not pressurize the complainant.
- (iii) The applicants shall not indulge into any criminal activity, while on bail;
- (iv) The applicants shall cooperate the Investigating officer and shall attend the concerned police station on every Thursday till 6th May, 2016 between 11 a.m. to 1 p.m.

6. The Applications stand disposed of on above terms.

(MRIDULA BHATKAR, J.)