

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

ANTICIPATORY BAIL APPLICATION NO. 1909 OF 2016

Sayed Hussain Kader

... Applicant

vs.

The State of Maharashtra

... Respondent

Mr. V. T. Dubey, Counsel for the applicant.

Smt. N. S. Jain, A.P.P. for the State/respondent.

Mr. S. A. Shaikh a/w Sureefa Singh, Intervener present.

Smt. Archana Sutar, A.P.I., Bandra Police Station, present.

Coram : N. W. SAMBRE, J.

Date : 18th November, 2016

P.C. :

1. The applicant is seeking pre-arrest bail in Crime No.511 of 2016 for the offence punishable under Sections 498A, 313, 504, 506 r/w 34 of the Indian Penal Code.

2. The complaint lodged out of matrimonial discord.

3. The complainant claims that she was required to undergo three abortions because of the cruelty practiced by her mother-in-law and the present applicant.

4. So far as to contents of the complaint in both these crime are concern, it is apparent that the complainant has not made any specific serious allegations against the applicant.

5. Rather she has tried to exclude her in the aforesaid

matrimonial discord as the differences appears in between the complainant and the family members of the applicant.

6. Apart from above, the contents of the F.I.R. depicts that the discord is based on the non-giving effect to a condition that after marriage the applicant and the complainant were to stay at other place away from the in-laws.

7. It is after five weeks of lodging of F.I.R. supplementary statement made by the complainant making drastic improvement in the story narrated in the F.I.R.

8. Taking overall view of the matter, particularly narration in the F.I.R. by the complainant and the investigation carried out till date, in my opinion, the custodial interrogation of the applicant is not necessary.

9. In the event of arrest, the applicant be released on furnishing P. R. Bond of Rs.50,000/- with two sureties in the like amount on the following conditions :

- (i) The applicant shall furnish his mobile phone numbers and permanent place of abode to the Investigating Officer within one week from today.
- (ii) He shall attend the Investigating Officer on Monday and Thursday for two consecutive weeks and thereafter as and when called for.
- (iii) He shall not tamper the evidence or influence the witnesses.

[N. W. SAMBRE, J.]