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

CRIMINAL BAIL APPLICATION NO. 189 OF 2017

Mr Saquib Arif Vanjara

...Applicant

vs

The State of Maharashtra

...Respondent

Ms Sonal Parab for the Applicant

Mrs P.P.Shinde for the Respondent

.....
CORAM : SMT SADHANA S. JADHAV, J.
23 JANUARY, 2017

P.C. :

Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973. The Applicant herein is arrested on 9th December, 2016 in Crime No.391 of 2016 registered at Malad Police Stations for the offences punishable under Sections 498(A), 377, 315, 323, 406, 506(2) of Indian Penal Code.

2 It is the case of the prosecution that the applicant is Dentist by profession. The applicant got married with the complainant on 4.10.2015. After the initial period, a discordant note had struck between the couple there used to be intermittent quarrels between them. Both the families had tried to pacify quarrels between the couples, however it was of no avail. It appears that they were incompatible with each other. It further appears from the record that

Simayala had an abortion on 6.5.2016. In fact at that stage there were no allegations against the present applicant.

3 That on 13th August, 2016, Simayala lodged a report at the police station alleging therein that she was subjected to cruelty and ill-treatment at the hands of present applicant. She had narrated the events and the manner in which she was ill-treated. It is also alleged that the complainant had informed the parents of the applicant about the nature and activities of the applicant and that they had disclosed to her that they were fully aware that he had married her only under social compulsions. It is also alleged that the complainant was shocked with this disclosure by the parents.

4 The complainant is present in the court. In fact this Court was inclined to issue notice to her as to why she should not be prosecuted for the offences punishable under Sections 192, 193 of Indian Penal Code as it appears from the record that the complainant has filed an affidavit stating therein that she is willing to forgive all the acts of applicant. It is also stated that since both the families are still maintaining cordial relations, they have decided to arrive at amicable settlement. The complainant upon inquiry by this Court had stated that, it would be necessary to enlarge the applicant on bail so that they can arrive at amicable settlement either by seeking divorce or either by taking recourse to alternative remedy under the Muslim Law.

5 Taking into consideration the nature of allegations and the

contents of affidavit filed by the complainant and her statement in the Court in the course of hearing of this application, the applicant deserves to be enlarged on bail. Hence the order.

ORDER

- (a) The application is allowed.
- (b) The Applicant be enlarged on bail on furnishing P.R. in the sum of Rs.50,000/- with one or more solvent sureties in the like amount;
- (c) Till filing of bail, the applicant be enlarged on bail by depositing cash amount, for a period of six weeks;

The application is disposed of accordingly.

(SMT SADHANA S. JADHAV, J.)