

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.477 OF 2017

Ayub Alam Shaikh
versus
State of Maharashtra

Applicant

Respondent

Ms.Anjali Patil i/by Mr.A.Q.Usmani for Applicant.

Smt.J.S.Lohokare, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 16th June 2017

PC :

1. This is an application for bail. The Applicant was arrested on 8th December 2016 in connection with offence registered with Dindoshi Police Station being CR No.238 of 2014 under Sections 498A, 406, 313, 323, 504, 506, 509 r/w 34 of Indian Penal Code and under Section 66(A) of Information Technology Act. The prosecution case is that there were differences between the Applicant and the complainant. It is alleged that from time to time the complainant was harassed by the Applicant. It was alleged that in February-2014, there was abortion as the Applicant had assaulted the complainant while she was pregnant. Therefore, an offence was registered under Section 313 of Indian Penal Code.

2. The investigation is completed and charge sheet is filed. The Applicant is in custody from 8th December 2016.

3. Learned advocate for Applicant submitted that no purpose will be served by keeping the Applicant in custody. The offence registered on account of matrimonial discord. The marriage was solemnized on 30th May 2013. There is no material evidence on record to substantiate the charge of miscarriage on account of assault by Applicant. No complaint was filed in that regard. The FIR was lodged on 5th June 2014.

4. Learned APP submitted that the Applicant was charged for offence under Section 313 of IPC. It is submitted that the Applicant was harassing the complainant-wife and, therefore, she had lodged the complaint.

5. Taking into consideration the facts and circumstances, bail can be granted to the Applicant. He is in custody from 8th December 2016. It is apparent that there is no medical evidence to establish the charge under Section 313 of IPC. The alleged incident had occurred in February-2014. The first information report was lodged on 5th June 2014. The investigation is complete and charge sheet is filed

6. Hence, I pass following order :

ORDER

(i) The Applicant is directed to be released on bail in connection with CR No.238 of 2014 registered with Dindoshi Police Station, Mumbai on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The Applicant is directed to report Dindoshi Police Station once in a fortnight on Saturday between 11.00 a.m. and 1.00 p.m. till further orders;

(iii) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST