

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 724 of 2017

Irfan Shaikh & ors.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. A. A. Mirza, for the applicant.

Smt. Veera Shinde, APP for the respondent-State.

PSI Sarita Lakhdekar, Goregaon Police Station, Mumbai.

CORAM : PRAKASH D. NAIK, J.

DATE : 29 JUNE 2017

P.C. :

1. This is an application for anticipatory bail. The offence is registered vide C.R. No.646 of 2015 with Goregaon Police Station under section 498(A) read with 34 of IPC.

2. The prosecution case is that the complainant got married with applicant no.1 on 4 September, 2015. Prior to her marriage with applicant, she was married twice to another person which marriages were ended in divorce. Applicant no.1 was aware about the said fact. The expenses of marriage were borne by the mother of the complainant. Applicant no.2 is the first wife of applicant no.1 and

applicant no.3 is sister of the applicant no.1. it is alleged that the complainant was harassed from time to time.

3. Learned advocate for the applicants submitted that applicant no.1 preferred application before the Sessions Court seeking anticipatory bail which was pending for almost for one year. All the parties had agreed to settle the matter. The consent terms are annexed to the application. It is also submitted that the complainant had submitted an affidavit to the police stating that the matter has been settled and she has withdrawn the FIR. It is also submitted that there was a deed of divorce by mutual consent executed between the complainant and applicant no.1. It is submitted that while passing the order in the application before the Sessions Court, the complainant submitted that she is withdrawing her consent as the amount offered by applicant no.1 is not sufficient. According to the learned advocate for the applicants, the sessions Court therefore rejected the application for anticipatory bail.

4. Perused the order passed by the Sessions Court, the FIR and the other documents annexed to the application. It appears that there was attempt to settle the matter but the settlement had teared

out on account of some reasons. The dispute between the parties is on account of matrimonial difference. In the circumstances, custodial interrogation of the applicants are not necessary, hence I pass the following order;

:: ORDER ::

- (i) Anticipatory Bail Application No.724 of 2017 is allowed.
- (ii) Interim order dated 25 April, 2017 is confirmed.
- (iii) The applicants are directed to report Goregaon police station, Mumbai once in a week every Saturday between 11.00 am to 1.00 pm till filing of the chargesheet and thereafter as and when called for.
- (iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]