

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1077 OF 2017

Aamir Husein Acchey Miyan ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Abdul K. Millwala for the applicant.
Mr. R.M. Pethe, APP for the State.

CORAM: A.M. BADAR, J.
DATED: 6th NOVEMBER, 2017

PC:-

1. The applicant/accused in Crime No.190 of 2016 registered with Police Station Nagpada at the instance of Shabab Fatima Mirza for the offences punishable under Sections 498-A, 325, 406, 495, 323, 504, 506 r/w 34 of the Indian Penal Code, by this application is seeking his release on bail in the event of his arrest by police.

2. Heard the learned advocate appearing for the applicant/accused. He submitted that investigation of the crime in question is virtually over as household articles

allegedly given to him in the marriage by parents of the first informant are already seized. He drew my attention to the seizure panchnama dated 17.10.2016. The learned advocate further argued that even the motor cycle which was gifted to him in the marriage was taken away by father of first informant Shabab Fatima Mirza. All other co-accused are already released on anticipatory bail and therefore, custodial interrogation of the present applicant is not warranted.

3. The learned APP opposed the application by contending that though the applicant is enjoying liberty as per the ad-interim order passed by this Court, the applicant is not available for investigation as he was not found on the address given by him in the application.

4. I have carefully considered the rival submissions and also perused the FIR lodged by Shabab Fatima Mirza. Allegations against the present applicant are to the effect that prior to his marriage with Shabab, he had married to a

woman named Sabira. The applicant had extracted an amount of Rs.1.50 lakh from the parents of the first informant by subjecting the first informant to cruelty. On 12.3.2016 the applicant had assaulted the first informant when she was at her parental house. The applicant used to insist the first informant to get her parental house transferred in his name.

5. The offence alleged against the present applicant is the matrimonial offence. So far as alleged assault dated 12.3.2016 is concerned, the police have registered that incident as non cognizable case. The investigation of the crime in question appears to be over by effecting seizure panchnama. Nothing is now recovered from the present applicant. Hence, considering the fact that the offence is matrimonial in nature, all other co accused have already been granted anticipatory bail and the investigation of the crime in question is nearly completed. Therefore, the following order.

ORDER

- i) In the event of his arrest, in Crime No. 190 of 2016 registered with Police Station Nagpada for the offences punishable under Sections 498-A, 325, 406, 495, 323, 504, 506 r/w 34 of the Indian Penal Code, the applicant/accused be released on bail on executing P.R. Bond of Rs.15,000/- and on furnishing surety in the like amount.

- ii) As a condition of this order, the applicant should attend the concerned police station on 11th, 18th and 25th November-2017 in between 11.00 a.m. to 2.00 p.m. and he should co-operate the Investigating officer.

- iii) The applicant / accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

- iv) The applicant to furnish his correct residential address to the investigator and he should inform the investigator change in his residential address, if any, in future.
- v) The application is disposed of accordingly.

(A.M. BADAR, J)