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

ANTICIPATORY BAIL APPLICATION NO.1346 OF 2017

1. Ishtiyak Ahmed Faiyyaz Ahmed	
2. Jarina Kalim Ahmed Ansari	
3. Aabid Ali Faiyyaz Ahmed	...Applicants
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL APPLICATION NO.727 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.1346 OF 2017***

Aayesha Begum	...Intervener (Original Complainant)
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IN THE MATTER BETWEEN

Ishtiyak Ahmed Faiyyaz Ahmed and Ors.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.B.U.Deshmukh, for the Applicants

Mr.S.H.Yadav, A.P.P for the Respondent-State.

Mr.Avinash Raut, for the Original Complainant.

PC/2088 – R.A.Chaudhari, Ayesha Nagar Police Station, Nashik Rural,
Nashik.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.52 of 2017 registered with the Ayesha Nagar Police Station, Nashik Rural, Nashik, for the alleged offences punishable under Sections 498A, 420, 406, 313 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicants states that the applicant no.1 is the husband of the complainant and applicant nos.2 and 3 are the sister and brother-in-law of the complainant respectively. He submitted that the aforesaid complaint lodged against the applicants is a false complaint. He submitted that the applicant no.1 got married to the complainant on 12th August, 2015, according to Muslim rites and since then, they were residing together at Aurangabad. He submitted that on 3rd May, 2017, the applicant no.1 sent a talak notice to the complainant. He submitted that as the complainant demanded money for iddat and maintenance from the

applicant no.1, pursuant thereto, a 'Kararnama' was entered into between the applicant no.1 and the complainant on 12th May, 2017. He submitted that the complainant was paid a sum of Rs.1,25,000/- towards iddat and maintenance. He relied on the said document, which is on page 17 of the application. He further submitted that in the said agreement, it is specifically stated that the complainant will not claim any maintenance and will not file any complaint under the D.V. Act or any other civil/criminal proceedings against the applicants. He submitted that after the said 'Kararnama' was entered and signed by the parties, the complainant filed the aforesaid complaint, as against the applicants, alleging the aforesaid offences. He submitted that the allegations that applicant no.2 administered tablets, pursuant to which the complainant had a miscarriage are false. He further submitted that the allegations that the applicant no.1 had asked the complainant to keep illicit relation with his brother are also false and baseless.

4. Learned APP opposed the application.

5. Learned Counsel for the original complainant does not dispute

the fact, that a 'Kararnama' was entered prior to the lodging of the FIR. He submits that the FIR was lodged at Aurangabad, and was subsequently transferred to Malegaon.

6. Perused the papers. It appears that the complainant and the applicant no.1 had entered into a 'Kararnama' on 12th May, 2017 and that the complainant's brother and mother were present at the relevant time. It also appears that a sum of Rs.1,25,000/- was paid to the complainant and that the complainant had agreed not to file any complaint under any provisions or civil/criminal proceedings, as against the applicants. The aforesaid complaint was lodged on 22nd June, 2017 at Aurangabad, and the same was subsequently transferred to Malegaon. Pursuant to the complainant's medical examination dated 7th July, 2017, the Doctor has opined that "the possibility of abortion by giving MPT tablets". The question whether it were the applicants who were responsible for the same or otherwise, is a matter which will be decided by the trial Court.

7. *Prima-facie*, considering the material on record, the custodial interrogation of the applicants is not required. Accordingly, the application

is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

(iii) The applicants shall not contact the complainant, witnesses or any person concerned with the case.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

10. In view of the disposal of the Anticipatory Bail Application No.1346 of 2017, the Intervention Application being Criminal Application No.727 of 2017 does not survive and the same is also disposed of.

11. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)