

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2109 OF 2016

Imran Ishaque Qureshi ...Applicant

Versus

The State of Maharashtra & anr. ...Respondents

Mr. Sushil Kumar S. Upadhyay for the applicant.

Mr. H. Pethe, APP for the respondent-State.

PSI S. R. Jadhav, Sahar Police Station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3 JULY 2017

P.C. :

1. This is an application for anticipatory bail. The applicant is apprehending arrest in connection with C.R. No.258 of 2016 registered with Sahar Police Station, Mumai for offences punishable under sections 498(A), 323, 504 read with 34 of IPC.

2. The prosecution case is that the complainant's daughter was harassed by the accused. She was married to the applicant on 22nd April, 2015. They were demanding dowry. The complainant's daughter was also suffering from ailment, but she was not provided with proper medical treatment. It is also alleged that the daughter of the complainant was discharged forcefully from Mukund hospital on 21st June, 2016 and that the signature of the complainant was forged while discharge. The victim / complainant's daughter had expired on

25th October, 2016, before that the FIR was registered on 22nd August, 2016.

3. Learned advocate for the applicants submitted that the co-accused were granted anticipatory bail by the Sessions Court. He submitted that the wife of the applicant was admitted in Mukund Hospital on 20th June, 2016 and she was discharged on 21 June, 2016. She was again admitted in Seven Hill Hospital on 25th June, 2016 to 29th June, 2016. Thereafter, the wife of the applicant accompanied the complainant and she was subsequently admitted in Jupiter Hospital by the complainant. She was being treated in the said hospital and there she has expired.

4. Learned APP opposed the application. He submitted that the accused had subjected the victim to harassment by demand of dowry. He further submitted that the victim was discharged from the hospital on 21st June, 2016, although, she was ill. The conduct of the applicant, therefore, does not warrant grant of anticipatory bail.

5. Perused the documents on record, the victim was admitted in the hospital as stated herein above on 20th June, 2016 and was discharged on the next day. It is noted that the applicant had admitted the victim again on 25th June, 2016 and she was discharged on 29th June, 2016. In view of the above it cannot be said that the applicant had no intention of giving any medical treatment to the victim and that he had forcefully discharged her on 21st June, 2016. Learned Sessions Judge, while rejecting the application, has observed

that the medical papers show that the victim was suffering from convulsions and that the possibility cannot be ruled out that convulsions was caused due to constant torture. However, there is no medical evidence to support the said observations. The co-accused who also allegedly ill treated the victim, were granted anticipatory bail by the Sessions Court.

6. In these circumstances, this application can be allowed.

ORDER

- (i) Anticipatory Bail No.2109 of 2016 is allowed.
- (ii) Interim order dated 10th April, 2017 is hereby confirmed.
- (iii) The applicant is directed to report Sahar Police Station, Mumbai once in a week on every Saturday between 11.00 am to 1.00 pm till filing of chargesheet.
- (iv) Application stands disposed of.

[PRAKASH D. NAIK, J.]