

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

ANTICIPATORY BAIL APPLICATION NO. 923 OF 2018

Murad Hamid Mushrif

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Ms. Rati Sinhasane i/b. Umesh Mankapure for the Applicant.
Mr. S.S.Pednekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 10, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in Crime No.198 of 2016 registered with Vishrambaug Police Station, District Sangli, for offences under Section 498A, 406, 504, 506 r/w. 34 of Indian Penal Code.

2. Heard Ms. Sinhasane, the learned Counsel for the applicant and Shri Pednekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned

Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Kausar Murad Mushrif. A perusal of the FIR prima facie reveals that the first informant was earlier married and she was divorced. Subsequently, she fell in love with the applicant herein and they were married on 4th February, 2016, and she started residing with the applicant at Sangli.

4. The first informant claims that the applicant had told her that he had taken loan and that he was in need of money and insisted that she should get money from her parents. The first informant further claims that she had withdrawn cash of Rs.5 lakhs from her account and handed over to the applicant. However, the applicant continued harassing her. He threatened her and took her gold jewellery, assaulted her and drove her out of the house. She further claims that subsequently she came to know that the applicant was already married to one Nafisa, who has been arrayed as accused no.2. She therefore lodged a report against the present applicant for

demanding dowry and subjecting her to cruelty.

5. The material on record prima facie reveals that the applicant was already married to Nafisa and that the first informant had married the applicant during the subsistence of the first marriage. The material on record reveals that the applicant had given talak to the first informant on 31st August, 2016 as per Muslim Law and had sent the Meher amount. Though the allegations regarding alleged harassment and cruelty are for the period from 4th February, 2016 till 24th August, 2016, the first informant had not lodged any complaint during the subsistence of her marriage with the applicant and the FIR has been lodged on 29th November, 2016 after the applicant gave talak to the first informant.

6. Considering the above facts and circumstances, in my considered view, this is not a case which would justify custodial interrogation. Furthermore, the record reveals that the applicant was granted interim bail by order dated 3rd May, 2018 and he was directed to report to the Investigating Officer for the purpose of

interrogation. The learned APP has submitted that the the applicant has reported to the Investigating Officer and that he has been interrogated. He has further submitted that the investigation is concluded, chargesheet is ready and the same would be filed within the period of one week. It is thus evident, that the presence of the applicant is no longer required for the purpose of investigation or interrogation, much less custodial interrogation. The applicant is a permanent resident of Sangli and there are no chances of his absconding or thwarting the course of justice. There are no criminal antecedents against the applicant.

7. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the applicant in Crime No. 198 of 2016 registered with Vishrambaug Police Station, District Sangli, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The applicant shall provide his permanent as well as

temporary address, if any, and his contact details to the Investigating Officer.

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(iv) The applicant shall not interfere with the complainant and the other witnesses in any manner

(ANUJA PRABHUDESSAI, J.)