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

CRIMINAL BAIL APPLICATION NO.824 OF 2018

Aarish Asgar Qureshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL APPLICATION NO.549 OF 2018
IN
CRIMINAL BAIL APPLICATION NO.824 OF 2018***

Fareed Ahmed Qureshi	...Intervener
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IN THE MATTER BETWEEN

Aarish Asgar Qureshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.R.B.Raghuvanshi, i/b Mr.R.M.Dube, for the Applicant.

Ms.A.A.Takalkar, A.P.P for the Respondent-State.

Mr.Nilesh Ojha a/w Mr.Vijay Kurle, Ms.Tanvi Kambli, Ms.Shweta Doshi, Ms.Shashi Kala Chauhan, Ms.Madhuri Gamre, Ms.Arpana B., Mr.Nitesh R. and Mr.Prafull G., i/b Mr.Jay N. Shah, for the Intervener/Original Complainant.

PSI – Anjali A. Vani, Mahim Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 4^h MAY, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.346 of 2017 registered with the Mahim Police Station, Mumbai, for the alleged offences punishable under Sections 323, 376(B), 377, 406, 498(A), 504 and 506 r/w 34 of the Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act.
3. The applicant is the husband of the complainant's daughter i.e. the complainant is the applicant's father-in-law. According to the prosecution, the complainant's daughter got married to the applicant, on 15th November, 2015; that after marriage, the applicant and his family members started ill-treating and harassing the complainant's daughter and were demanding articles/money from the complainant; that on 12th December, 2016, the complainant's daughter, left her matrimonial home and on 19th November, 2017, the aforesaid complaint/FIR was

lodged, alleging the aforesaid offences.

4. Learned Counsel for the applicant submitted that vide panchanama dated 6th February, 2018 and 14th February, 2018, the applicant has returned the cars given by the complainant to his daughter (applicant's wife) as well as the ornaments and the flat. He submitted that in the facts, further detention of the applicant is not warranted.

5. Learned APP opposed the application. She submitted that charge-sheet is likely to be filed within 2 to 3 days. She states that few more articles are yet to be handed over.

6. Learned Counsel for the Intervener/Original complainant also opposed the application.

7. Perused the papers. Admittedly, the applicant was married to the complainant's daughter on 15th November, 2015; that on 12th December, 2016, the complainant's daughter left her matrimonial home and the aforesaid complaint was lodged after more than 11 months i.e. on 19th

November, 2017. It appears that all the articles/ornaments, cars and flat have been returned to the complainant's daughter vide panchanama dated 6th February, 2018 and 14th February, 2018 respectively. Investigation is almost complete and charge-sheet is likely to be filed within 2 to 3 days.

8. Having regard to the peculiar facts and circumstances of this case, further detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Sunday of every month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months from today;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change

of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the trial Court, within two week's of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

9. The Application is allowed and disposed of in above terms.

10. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide

the case on its own merits, uninfluenced by the observations made herein.

11. In view of the aforesaid, the Intervention Application being Criminal Application No.549 of 2018 does not survive and the same is also disposed of.

12. At this stage, learned counsel for the original complainant requests for stay of the order. Stay declined.

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

(REVATI MOHITE DERE, J.)