

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

**ANTICIPATORY BAIL APPLICATION NO. 732 OF 2017
WITH
CRIMINAL APPLICATION NO. 521 OF 2017**

Kayyum Ayyub Khan

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. L.S. Deshmukh for the Applicant.

Mr. Amit Palkar, APP for the Respondent/State.

Mr. P.V. Vare for the complainant.

CORAM : A.S.GADKARI, J.

DATE : 21th FEBRUARY, 2018

P.C.:

. By an Order dated 25.04.2017, the Applicant was granted interim relief.

2 Heard the learned Counsel for the Applicant and the learned APP. Perused the charge-sheet and record of investigation.

It is the prosecution case that, the deceased Mrs. Kulsum Khan was married with Naeem Khan i.e. son of Applicant on 11.05.2014. That, the Applicant along with other accused persons used to cause mental and physical torture to the deceased on the ground of non fulfillment of the demand of dowry. That, Mrs. Kulsum committed suicide by consuming poison on 30.03.2017. The present crime is lodged by Shri. Liyakat Hussain, father of the deceased Kulsum Khan.

3 The record clearly indicates that the husband of deceased Kulsum namely

Naeem Khan and other accused persons were arrested by the Investigating Agency and now have been released on regular bail. The allegations against the Applicant are general in nature i.e. of demand of dowry and causing harassment to the deceased.

4 In view of the ratio laid down by the Supreme Court in the case of *Arnesh Kumar v/s. State of Bihar*, reported in (2014) 8 SCC 273: AIR 2014 Supreme Court, 2756, the Applicants are entitled to be protected by pre-arrest bail.

5 In view thereof, interim relief granted by Order dated 25.04.2017 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

6 Application is allowed in the aforesaid terms.

7 In view of order passed in ABA No. 732 of 2017, application for intervention does not survive and is accordingly, disposed off.

(A.S.GADKARI, J.)