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

ANTICIPATORY BAIL APPLICATION NO. 883 OF 2017

Mohammed Ismail Osmani & Anr.

... Applicants

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Zaid S. Ansari a.w Deep Maratia for applicants.

Ms. Anamika Malhotra, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 4th JANUARY 2018.

P.C.:

1] By an Order dated 16th May 2017, the applicants are granted interim relief. The applicant Nos.1 and 2 are father-in-law and mother-in-law of the first informant respectively.

2] The learned Counsel for the applicants fairly submitted that in the consent terms dated 1st July 2017 filed before this Court, the name of the husband of respondent No.2 namely Mohammed Osman Osmani has been inadvertently typed, though the husband of the respondent No.2 is not applicant before this Court in the present application. He on instructions tenders on record fresh consent terms dated 10.10.2017. The same are

taken on record and marked “X” for identification.

3] The learned Counsel for the applicants submitted that, in furtherance of Order dated 5th July 2017, the husband has handed over the custody of the children to the respondent No.2 Smt. Aqsa Osmani and the said Order has been complied with.

4] In view of the consent terms dated 10.10.2017 and the ratio laid down by the Hon'ble Supreme Court in the case of Arnesh Kumar Vs State of Bihar reported in (2014) 8 SCC 273, the applicants deserve to be protected by pre-arrest bail.

In view thereof, interim relief granted by an Order dated 16th May 2017 is confirmed. However, the condition to attend the Investigating Officer is hereby waived.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)