

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1304 OF 2018

Mohammad Farooq Ibrahim, Age 31 years,
Occ.Service, R/o.Pure Ali Naki, Ali Ganj,
Manikpur, Uttar Pradesh-230 202.

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Gautam Pyaralal for applicant.

Mr.Ganesh K. Gole I/by Ateet Shirodkar for respondent no.2.

Mr.Y.Y.Dabke, APP, for State.

Mr.M.M.Shirsat, PSI, Chunabhatti Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. This is an application for anticipatory bail. The applicant is apprehending arrest in connection with CR No.193 of 2016 registered with Chunabhatti Police Station for offences punishable under Sections 498A, 406, 504, 506 read with Section 34 of Indian Penal Code. The complaint is lodged on 2nd August 2016 by the wife of applicant. The application preferred by the applicant for anticipatory bail has been rejected by Sessions Court on 11th May 2018.

2. The complainant has alleged that right from the beginning, she was ill-treated by the accused. The father of complainant has given jewellery worth Rs.6 lakh which is also misappropriated by the accused. It is further alleged that the accused were demanding dowry of Rs.50 lakh. The complainant also referred to the

harassment meted out to her. There are two children out of wedlock. It is alleged that the complainant was continuously abused by the accused. The ornaments of the complainant were taken away by them. The other articles given to her were also misappropriated. The applicant also used to threaten her that he would leave her. She was abused in filthy language. Even while feeding the child, the accused used to snatch the bottle of milk and abuse her and also assaulted her. The gold weighing about 9 tolas was misappropriated by the accused.

3. The advocate for applicant submitted that the FIR was lodged belatedly. The allegations are vague. The only allegation against the applicant is that he had threatened that if she does not listen to other accused, he would leave her. Apart from that, no other act is alleged against him. The applicant was working abroad. Therefore could not appear before police. It is further submitted that there is no evidence of ornaments being purchased by the father of complainant. The custodial interrogation of applicant is not necessary. Learned APP submitted that although FIR was registered on 2nd August 2016, the applicant was not available. A look out notice was issued against him. The application was preferred in the year 2018 which has been rejected. Custody of the applicant is required for the purpose of recovery of gold ornaments. The applicant is also responsible for causing harassment and mental cruelty to the complainant.

4. Learned counsel for intervenor also reiterated the submissions advanced by learned APP. He pointed out the receipts with regards to purchase of gold ornaments which are annexed to his affidavit filed in these proceedings. He drew my attention to the nature of

allegations in the FIR. The applicant is resident of Uttar Pradesh and he was avoiding arrest since last two years.

5. Having heard both sides I have also perused the documents on record. On reading the FIR it is apparent that serious allegations were made against the accused. The applicant is husband of complainant. Except accused no.5, other accused were not arrested. The applicant was not available for two years. The complainant was subjected to ill-treatment by abuses, threats and assault. The complainant has also alleged that gold ornaments were misappropriated by the accused. Recovery of the same is required to be made. The applicant had acted in connivance with other accused. In the circumstances, no case is made for grant of anticipatory bail to the applicant. Hence, Criminal Anticipatory Bail Application No.1304 of 2018 is rejected.

(PRAKASH D. NAIK, J.)

MST