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

ANTICIPATORY BAIL APPLICATION NO.1487 OF 2017

Alim Saudagar S/o Noor Mohd. Saudagar	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr.Shivraj Kunchge a/w Mr.Arvind Maurya, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

PI – K.M.Badadal, Chunabhatti Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th MARCH, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.444 of 2017 registered with the Sadar Bazar Police Station, Solapur, for the alleged offences punishable under Sections 498A, 304B r/w 34 of the Indian Penal Code, which was subsequently, transferred to the Chunabhatti Police Station, Mumbai (now numbered as C.R.No.133

of 2017).

3. The Applicant is the husband of deceased – Ayesha. Learned counsel for the Applicant submits that the Applicant and Ayesha got married on 15.05.2017. He submits that it is alleged that on 26.05.2017 and 29.05.2017, Ayesha called up her brother and sister respectively and informed them about the alleged ill-treatment and harassment given by the co-accused. He submits that the said allegations, on the face of it, are false and baseless inasmuch as there are no phone calls to show that such calls were made by Ayesha to her brother and sister on 26.05.2017 and 29.05.2017. He submitted that on 30.05.2017, the Applicant took Ayesha to the hospital, where she was admitted. He submits that thereafter, the Complainant i. e. Abdulgani Fakruddin Tamboli (father of deceased – Ayesha) took Ayesha to Solapur and got her admitted in a hospital in Solapur, where she expired. He submits that similarly placed co-accused has been enlarged on bail by the Sessions Court. Learned Counsel for the applicant submitted that pursuant to the order dated 22nd August, 2017, granting interim protection to the applicant, the applicant has been enlarged on bail by the police.

4. Learned APP does not dispute the aforesaid. She states on the instructions of the Investigating Officer, who is present in Court that the custody of the applicant is not necessary.

5. Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :-

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 22nd March, 2018, 23rd March, 2018 and 24th March, 2018 between 10.00 a.m. to 12.00 noon and thereafter as and when called, till the filing of the charge-sheet;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall co-operate with the Investigating Agency.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

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

(REVATI MOHITE DERE, J.)