

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

CRI. ANTICIPATORY BAIL APPLICATION NO.1686 OF 2018

Baleegh Naheed Khaja Ajamuddin
@ Shaikh & Ors.

.. Applicants

Vs.

State of Maharashtra

.. Respondent

.....

Mr.Sushil K. Chaurasia, Advocate for the Applicants.
Ms.A.A. Takalkar, APP for the Respondent – State.
Mr.Vishal Waykar, PSI, Ganeshpuri Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 24, 2018.

P.C. :

Applicants are apprehending arrest in connection with CR No.I-212 of 2017, registered with Ganeshpuri Police Station, Bhiwandi, District-Thane, for the offences punishable under Section 498A, 403, 406, 504 read with 34 of IPC. The prosecution case indicate that the marriage between the applicant and accused no.1 was solemnized on 7th January, 2017. Thereafter, the accused had demanded dowry of Rs.20 lakhs and the complainant was constantly harassed for that. The applicants preferred an application for anticipatory bail before the Sessions Court, which was rejected on 12th April, 2018. Accused no.1

(husband of the complainant) was arrested on 30th July, 2018 and subsequently he was granted bail on 2nd August, 2018. Learned counsel for the applicants submits that the applicants are falsely implicated in the case. Applicant no.1 is mother-in-law and Accused no.2 is father-in-law of the complainant. Applicant no.3 is the brother-in-law of the complainant, applicant no.4 is the married sister-in-law of the complainant and applicant no. 5 is the husband of Respondent no.4. Applicant no.6 is the sister-in-law of the complainant. It is submitted that in pursuant to the marriage, the complainant and her husband had started residing separately. Learned counsel for the applicants pointed out the leave and licence agreement executed between the husband of the complainant and the owner of the premises, wherein the parties were residing separately from the joint family. The applicants are residents of Telengana and they were not residing with the complainant and her husband. It is submitted that Sessions Court had rejected the application that there is no ground to arrest the applicants, however, thereafter the husband of the complainant was arrested on 31st July, 2018. It is submitted that false allegations are made that the ornaments are misappropriate by the accused.

2 Learned APP submitted that husband of the complainant has been arrested and subsequently he was released on bail. There are allegations of harassment to the complainant. During the investigation, the investigating machinery had carried out search at the residence of the applicants, as well as the place where the complainant and her husband were residing. The ornaments could not be recovered, however, certain articles and cash amount of Rs.3,05,200/-, approximately has been recovered by the police.

3 It is noticed that the Sessions Court had rejected the application for anticipatory bail on the ground that the applicants were not arrested in pursuant to the notice under Section 41A of Criminal Procedure Code. Since there is apprehension of arrest, the protection can be granted to the applicants under Section 438 of Criminal Procedure Code. The husband of the complainant has been arrested and he has been granted bail. The search carried out in the residence of the accused have resulted in recovery of certain articles. Applicant nos.1 and 2 are senior citizens. They are the residents of Telengana. In the circumstances, bail can be granted to the applicants, as custodial interrogation is not required.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.1686 of 2018, is allowed;
- (ii) In the event of arrest of the applicants in connection with CR No.I-212 of 2017, registered with Ganeshpuri Police Station, Bhiwandi, District - Thane, the applicants be released on furnishing P.R. Bond in the sum of Rs.15,000/-, each with one or ore sureties in the like amount;
- (ii) Applicants shall report the investigating officer as and when called for by him;
- (iii) Anticipatory Bail Application No.1686 of 2018 stands disposed of.

(PRAKASH D. NAIK, J.)