

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.403 OF 2019

Imran Azam Khan, Age 33 years,
Occ.Director, R/o.B-107, Park Paradise,
Opp.Green Park, Oshiwara, Andheri (W),
Mumbai-400 053.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Shaikh Md.Ibrahim I/by Rizwan Siddique for applicant.

Mr.S.R.Agarkar, APP, for State.

Mr.Tushar Sawant, PSI, Oshiwara Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th February 2019

PC :

1. This is an application for anticipatory bail in CR No.472 of 2018 registered with Oshiwara Police Station dated 25th October 2018 for offences under Sections 498A, 406, 323, 324, 504 and 506 of Indian Penal Code.

2. The case of complainant is that she was acquainted with the applicant about ten years prior to the marriage. Their marriage was solemnized on 1st March 2015. It is alleged that the applicant has ill-treated the complainant. He has demanded amount from complainant and that the complainant has parted Rs.4,00,000/- to the applicant, which was obtained by her from her mother. It is alleged that on 19th October 2018 the applicant had assaulted the complainant and she has sustained injuries due to assault.

3. Learned counsel for applicant submitted that during pendency of his application before Sessions Court protection in the nature of no coercive action was granted by Sessions Court and during that period he had attended police station and even his statement has been recorded by police. It is further submitted that although as alleged by complainant she was assaulted on 19th October 2018, the injury certificate indicate that she has approached Cooper Hospital on 3rd October 2018. It is further submitted that the complainant has also relied upon certificate issued by private doctor on 16th November 2018 indicating that she was treated on 19th October 2018. However, the said certificate was issued belatedly and it does not indicate the nature of injuries sustained by complainant. It is further submitted that the photographs annexed to this application indicate that applicant had attended some gathering during the period between 19-10-2018 and 21-10-2018. It is also submitted that on the date of alleged incident of assault, the applicant was not present at the place of incident and he relied upon tower location of his mobile phone.

4. Learned APP, however, submitted that Rs.4,00,000/- is to be recovered. The complainant was subjected to harassment as spelt out in the FIR.

5. I have perused the documents on record. The dispute is on account of matrimonial discord. The complainant and applicant were acquainted with each other since last several years although the marriage was solemnized in 2015. Considering the factual matrix of this case, custodial interrogation of the applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No. 403 of 2019 is allowed and disposed off;
- (ii) In the event of arrest of applicant in connection with CR No.472 of 2018 registered with Oshiwara Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer of Oshiwara Police Station on 20th and 21st February 2019 between 11 am and 1 pm and thereafter as and when called for till filing of charge sheet;
- (iv) Criminal Anticipatory Bail Application No.403 of 2019 is disposed off.

(PRAKASH D. NAIK, J.)

MST