

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 712 OF 2019

Mohammad Danish Mohammad
Hanif Zariwala

...Applicant

V/s.

The State of Maharashtra &
anr.

....Respondents

Mrs. Noorseema M.U. Baig, Advocate for the
applicant.

Mr. S.R. Agarkar, APP for State-respondent no.1

Ms. Vilasini Balasubramanian, Advocate for
respondent no.2.

P.I. Mr. Kshirsagar, Mumbra Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Monday, 25th November, 2019.

P.C. :

1. Heard learned Counsel for the parties.

2. Complainant is the wife of the applicant. She alleged on 17th January, 2019 the applicant asked her to abort the fetus and when she refused, he inflicted kicks in her stomach. The complainant was admitted to the Kalsekar Hospital. The complainant has delivered a baby child on 11th August, 2019.

3. The applicant and his family members are the accused in the offences punishable under Sections 323, 325, 498A, 504 read with Section 34 of the Indian Penal Code. The other accused are released on anticipatory bail by the learned Sessions Court, except this applicant.

4. This Court on 22nd March, 2019 granted the interim relief and the same is continued from time to time. Learned APP on instructions submits that the investigation is over.

5. The learned Counsel for the complainant is apprehending threats to the newly born child at the applicant's hands. In view of this apprehension,

the applicant is directed not to enter the jurisdiction of Kurla Police Station and make any attempt to contact the complainant.

6. In view of the facts and since the investigation is over, the following order is passed :

ORDER

(i) The Anticipatory Bail Application is allowed.

(ii) In the event of the arrest of the applicant arrested in Crime No. I-37-2019 registered by Mumbra Police Station for the offences punishable under Sections 323, 325, 498A, 504 read with Section 34 of the Indian Penal Code, is directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when called.

(iii) The applicant shall furnish the particulars of his latest place residence and mobile contact number and/or change of residence or mobile details, if any, to the Investigating Officer of the Police Station concerned within seven days from today;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Anticipatory Bail Application stands disposed off in above terms.

(SANDEEP K. SHINDE, J.)