

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.710 OF 2017

1. Waliullah Nasibullah Khan, Age 37 years,
R/o.Room No.101, Cheri Apartment,
Timboda, Palghar (W).
2. Amina Hakimullah Khan, Age 39 years,
Occ.Housewife, R/o.Room No.3, Vijay Apartment,
Dandekar Chawl, Near Laxmi Narayan
Mandir, Mahim Road, Palghar (W).
3. Baitullah Khan, Age 44 years,
4. Ishrat Jahan Baitullah Khan, Age 40 years,
Both r/o.Room No.204-B Wing,
Shreeji Apartment, Mahim Road, Palghar (W).
5. Bismillah Nasibullah Khan, Age 48 years,
6. Majidunnisa Bismillah Khan, Age 38 years,
R/o.Room No.A/21, Jangbahadur Singh Chawl,
Gulshan Nagar, R.M.Road, Jogeshwari (W),
Mumbai-400 102.

Applicants

versus

The State of Maharashtra

Respondent

Mr.Adil Mirza I/by A.A.Mirza for applicants.

Ms.A.A.Takalkar, APP, for State.

Mr.Nilesh Dhamne, PSI, Amboli Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd January 2019

PC :

1. This is an application for anticipatory bail in CR No.109 of 2017 registered with Amboli Police Station, Mumbai for offences under Sections 498A, 406, 506, 34 of Indian Penal Code. The applicant no.1 is the husband of complainant and others are relatives of applicant no.1. The marriage between complainant and applicant

was solemnized in 2009. It is contended by the advocate for applicant that initially the complaint was lodged with Saint Kabir Nagar Police Station in Uttar Pradesh State and at that time attempts were made to resolve the dispute. It is submitted that applicant no.1 has initiated proceedings for dissolution of marriage. The complainant has also filed proceedings under Protection of Women from Domestic Violence Act, in which the Trial Court has granted maintenance to the complainant in a sum of Rs.7,000/- per month to be paid by the applicant no.1.

2. Learned APP submitted that the accused have not co-operated with the investigation. There is no recovery at the instance of applicants.

3. The applicant nos.2 to 6 are in-laws of the complainant whereas applicant no.1 is the husband. Apparently both the parties have initiated matrimonial proceedings which are pending in the Court. The applicant was granted interim protection vide order dated 24th April 2017. The dispute arises out of matrimonial discord.

4. Taking into consideration the aforesaid circumstances, the application deserves to be allowed on certain conditions. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.710 of 2017 is allowed and disposed off;

(ii) Interim order dated 24th April 2017 passed by this Court is confirmed;

(iii) In the event of arrest of applicants in connection with CR No.109 of 2017 registered with Amboli Police Station, Mumbai, the applicants be released on bail on furnishing PR bond in the sum of Rs.15,000/- each with one or more separate local solvent sureties;

(iv) The applicants shall attend the investigating officer of Amboli Police Station on 16th, 17th and 18th January 2019 between 11 am and 1 pm and thereafter as and when called for by the investigating officer till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST