

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

ANTICIPATORY BAIL APPLICATION NO. 1114 OF 2017

Sameer Alam Qureshi @ Sameer
Shazadealam Qureshi

... Applicant

Vs.

The State of Maharashtra & Anr.

... Respondents

...

Mr. Mubin Solkar a/w Mr. Aamir Sopariwala I/by Ms. Zara Saloti
for the applicant.

Ms. A.A. Takalkar, APP for the Respondent-State.

Ms. Anita Vasani for the intervenor.

Mr. Nilesh Dhamane, PSI, Amboli Police Station is present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 10th JANUARY, 2019.

P.C.

1. The applicant is apprehending arrest in connection with CR No. 36 of 2017 registered with Amboli Police Station, Mumbai. The offences were registered under Sections 498A, 495, 406, 504, 506 and 323 of Indian Penal Code.

2. The complaint is lodged by wife of the applicant. The marriage between the applicant and complainant was solemnized in the year 2008. There are matrimonial differences between the applicant and the complainant. Learned counsel for the applicant states that the co-accused were granted anticipatory bail by the

Sessions Court by order dated 18th April, 2017.

3. Applicant was granted interim protection vide order dated 30th June, 2017. He was directed to attend the police station. Learned APP submitted that applicant had not attended the police station. However, learned counsel for the applicant submitted that there was a communication gap between the lawyer which was representing the applicant previously and the application was initially dismissed for want of prosecution and therefore, the applicant had not attended the police. Learned counsel for the applicant submitted that applicant has attended the police station in the month of December, 2018. Learned counsel for the applicant tendered the acknowledgment with regards to the attendance of the applicant to the Police Station. He also pointed out the complaint forwarded by the society mentioning that the applicant was assaulted by complainant and her sister.

4. Learned counsel for the intervenor submitted that the applicant has made false statement. The complainant had initiated the proceedings under the Domestic Violence Act before the Family Court in which the maintenance order has been granted to the complainant. Although, the order was passed in 2018, the applicant has not paid the maintenance amount to the

complainant. Learned counsel for the applicant on instructions from the applicant who is present in the Court submits that applicant would deposit an amount of Rs.1,00,000/- towards the arrears of maintenance within four weeks before the Family Court, without prejudice to his right. In the event of default of payment of arrears of maintenance, the complainant will be at liberty to initiate appropriate proceedings.

5. Learned APP submitted that the ornaments which were the subject matter of the First Information Report are not yet recovered. It is the contention of the applicant that the ornaments were taken away by the complainant. It is noted that the marriage was solemnized in the year 2008 and the First Information Report was lodged in 2017. The dispute arises out of the matrimonial discord. Co-accused are granted anticipatory bail by the Sessions Court. In the circumstances, interim protection granted to the applicant deserves to be confirmed.

ORDER

- i. Anticipatory Bail Application No. 1114 of 2017 is allowed;
- ii. Interim order dated 30th June, 2017 stands confirmed;
- iii. In the event of arrest of the applicant in connection with CR No. 36 of 2017 registered with Amboli Police Station, Mumbai, the

applicant be released on bail on furnishing PR Bond in the sum of Rs.30,000/- with one or more sureties in the like amount;

iv. Applicant shall attend the Investigating Officer of the concerned police station as and when required till filing of the chargesheet;

v. Applicant to deposit an amount of Rs.1,00,000/- towards arrears of maintenance within four weeks before Family Court;

v. Application stands disposed off.

(PRAKASH D. NAIK, J.)