

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

CRIMINAL APPEAL NO. 1148 OF 2018

1 Ms. Shamshida Islamuddin Ansari.

2 Rubina Islamuddin Ansari.

3 Hina Islamuddin Ansari.

4 Mr. Naseem Younus Ansari.

5 Mr. Fahim Younus Ansari.

6 Mr. Naim Younus Ansari.

7 Mr. Nadeem Younus Ansari. ..Appellants.

V/s.

The State of Maharashtra & anr. ..Respondents.

Mr. Omkar Kularni I/b. Mr. Hassan Ullah Khan, advocate for appellants.

Ms. Anjali B. Mannapalli, advocate for respondent No. 2.

Mr. Y.M. Nakhwa, APP for State.

Mr. M.R. Kekan, API, APMC Police Station.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JANUARY 17, 2019.

P. C. :

1 This is an appeal under section 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2 Heard the respective Counsel. The learned Counsel for the respondent has also filed an affidavit.

3 The present appeal is filed by the mother of one Samshad
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and others who are the relatives. It is the case of the complainant that she is an original resident of Jeur. She had come to Mumbai and was working in a bar as Bar attendant. She had met the son of the appellant No. 1. They had developed intimate relations. Thereafter, he had asked her to leave the job. Accordingly, she had left job and was staying at Kopar Khairane. Shamshad used to visit her regularly. She had undergone medical termination of pregnancy on two occasions at the behest of the son of the appellant No.1. Thereafter, they had got married in Bandra Court. She wanted to reside in her matrimonial home and therefore, she had gone to the house of the appellant No. 1. The allegation against the appellant Nos. 1 and 2 is that the family members had refused to accept her since she belongs to different caste and religion. It is also alleged that they had asked her to repay the amount which Samshad had spent in dance bar and then they would allow her to stay at home. It is alleged that she had approached the police station to complain against Shamshad and at that time, she was shown a copy of Talaquenama, which she denied. There is no specific overt act attributed to any of the appellants. It is only stated that all the family members had demanded money and they had apprised her of the fact that they belong to different caste and religion and it would be difficult to accept her.

4 As on today, the principal allegations are against Samshad.

The allegations against the family members are omnibus in nature. In any case, the learned Counsel for the appellant submits that the appellants had no knowledge about him having developed intimate relations with the complainant or his marriage to the complainant neither they had attended the same. According to the learned Counsel, there was no reason for the family member to demand the said amount as the relations between Samshad and his family members were strained. The principal allegations are against son of the appellant No. 1.

5 It is in these circumstances that the order dated 23/8/2018 passed by the Additional Sessions Judge, Thane rejecting the application for anticipatory bail deserves to be quashed and set aside. However, it is made clear that the Special Court shall not be influenced by the observations made hereinabove.

6 The learned Counsel for the complainant submits that the complainant is being harassed by some of the relatives of Samshad i.e. his cousin, more particularly, Appellant No. 4. It is also submitted that she has filed report before the police. The police shall enquire into the matter and take appropriate action in accordance with law.

7 Hence, following order is passed :

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ORDER

- (i) Appeal is allowed.
- (ii) In the event of arrest of appellants in C.R. No. 42 of 2018 registered at APMC Police Station, the appellants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or more solvent sureties in the like amount.
- (iii) The appellants shall report to the police station as and when called and cooperate with the investigating agency to the best of their capacity.
- 8 The appeal is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]