

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 2358 OF 2018**

Sajid Shakir Ali	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vikas G. Saindane for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. Nanekar from Kurla Police Station, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26th JUNE 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 313 of 2018 registered with the Kurla Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 377, 326, 506(2), 504 r/w 34 of the Indian Penal Code.

3 Perused the papers. The applicant and the complainant-Shagufta got married on 11th February 2017. From the said wedlock, one

son was born on 29th November 2017. According to the complainant-Shagufta, she was working with a company-Pioneer Organization prior to marriage. She has stated that before her marriage was fixed, as it was an arranged marriage, she had disclosed that even after marriage, she would continue to work, which condition was accepted by the applicant and his family. According to the complainant, three months after marriage, the applicant and other co-accused started harassing her. She has alleged that the applicant would ask her to bring a sum of Rs. 10 lakhs from her parents, that they used to abuse her in filthy language; that her mother-in-law had taken all her ornaments after marriage and despite repeated demand, did not return the same; and that the applicant pressurized her to bring money for purchasing a motorcycle. The complainant has stated that as her mother's financial condition was not good, she did not bring any money. She has further alleged that after marriage, she learnt that the applicant was habituated to alcohol and would come home after consuming alcohol and would quarrel with her. She has further stated that the applicant would suspect her character. According to the complainant, the applicant abused her, as she had not brought dowry in the marriage. The complainant has also alleged that her brother-in-law has demanded Rs. 70,000/- from her.

On 25th October 2017, according to the complainant, the applicant took her money, which she had received from her salary. She has further stated that even after the delivery, the applicant accused her that the child was not his. She has further stated that she later learnt that the applicant has performed second marriage without informing her, pursuant to which, she lodged a NC and thereafter, she was thrown out of the house by the other co-accused, after which, she lodged the aforesaid FIR.

4 Learned counsel for the applicant does not dispute the paternity of the child and accepts that he is the father of the child and states that infact, the applicant has sought custody of the child before the Mediator.

5 It is not in dispute that all other co-accused have been granted pre-arrest bail. The applicant has attended as directed by the trial Court. In the facts, custodial interrogation of the applicant is not necessary.

6 Be that as it may, in the facts, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called;
- (iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (v) The applicant to cooperate with the investigating agency.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.