

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 907 OF 2020

- 2) Naseem Begum w/o Ayyub Khan,
Age 50 years, Occ. Household,
R/o. H.No. 3-1-134, Ghadiyal
Mohalla, Bhagyanagar, Adilabad(T.S.)
- 5) Hajra Anees D/o Abdullah,
(Hajra Anees Shaikh Abdul Sahab)
Age 25 years, Occ. Household,
R/o. H.No. 1-4-79, Masood Nagar,
Putli Bowli, Bakkalduda,
Adilabad (T.S.)
- ... **Applicants.**

VERSUS

The State of Maharashtra,
Through Police Inspector, Police
Station, Dharmabad, Dist. Nanded.

... **Respondent.**

...

Advocate for the Applicants : Mr. S.S. Shaikh
APP for the Respondent/State : Mr. S.B. Narwade.

CORAM : MANGESH S. PATIL, J.

DATE : 24/11/2020

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure seeking bail in the event of arrest of the applicants in connection with Crime No. 161/2020 registered with Dharmabad Police Station, District Nanded for the offences punishable under Sections 498A, 354B, 323, 504, 506 read with Section 34 of the Indian Penal Code as well as under Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

2. It is pertinent to note that on 16.10.2020 this Court had expressed its disinclination to grant any relief to the applicant Nos. 1, 3 and 4 and the application was sought to be withdrawn and was accordingly disposed of. The application only to the extent of applicant nos. 2 and 5 now remains to be considered. They are the sister and second wife of the husband of the

informant.

3. It is alleged in the F.I.R. that the marriage was solemnized on 19.11.2004 and the couple had begotten couple of children. It is alleged that the husband used to frequently communicate with one lady on phone and when the informant objected it he assaulted her. It is alleged that he also threatened her to circulate her photographs in objectionable conditions. The allegations against the applicant No. 2 who is his sister are to the effect that she instigated him to pronounce 'Talaq' pursuant to which he pronounced it. The allegation against the applicant No. 5 is to the effect that the husband solemnized second marriage with her.

4. Having heard the arguments and perusing the papers of the investigation, as far as the allegations against the applicant No. 2 are concerned, though her name appears in the F.I.R. no specific and precise role is attributable to her. It is the brother in law i.e. brother of the husband who is alleged to have instigated the husband to pronounce 'Talaq'.

5. As far as the applicant No. 5 is concerned she is stated to be the second wife with whom he solemnized marriage in July 2020. The other allegations pertain to a period prior thereto.

6. Considering all these aspects, when there are no allegations about these applicant Nos. 2 and 5 having misused the ad-interim relief granted to them, the interim relief deserves to be confirmed with the same terms and conditions.

7. The application is allowed. Ad-interim relief is confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)

mkd