

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

ANTICIPATORY BAIL APPLICATION NO. 971 OF 2020

Mr. Afroz Mohammad Firoz

Shaikh

...Applicant

V/s.

The State of Maharashtra

(Nizampura Police Station)

...Respondent

* * * *

Ms. Tahera Qureshi, advocate for the applicant.

Smt. Sharmila Kaushik, APP for State.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 17th December, 2020.

P.C.:

1. Heard learned Counsel for the applicant and learned APP for State.

2. Apprehending arrest in connection with Crime No.78/2020 registered with Nizampura Police Station for the offences punishable under Sections 307,

498A, 506(II) read with Section 34 of the Indian Penal Code, the applicant is seeking pre-arrest bail.

3. Applicant is brother-in-law of the complainant, Saima. She had filed, atleast four complaints against her husband, Sarfaraj alleging recurringly harassment meted out, to her by him. These complaints were filed on 26th, 28th February and 14th and 25th March 2020, wherein Saima did not make allegations against the applicant. Infact, one of the complaints, at page-23 of the paper-book, suggest that applicant and his wife are living separately and not with complainant's family. However, in the FIR registered by the complainant on 21.03.2020, she alleged the applicant was also harassing her for meeting unlawful demand for property or valuables. It appears, the complainant had suffered burn injuries somewhere in the month of March, 2019, accidentally

while cooking. Soon, thereafter, her statement was recorded on 25th March, 2020, but she did not blame anyone. However, in the complaint lodged on 21.03.2020 she alleged that, the applicant and her husband attempted to set her on fire.

4. Be that as it may, the complainant in her affidavit filed before the Sessions Court on 12.10.2020 which is at page-25 of the paper-book, she attributed role to her husband for causing the burn injuries and not to applicant-her brother-in-law.

5. Thus, prima-facie material produced before me for consideration does not disclose applicant's complicity in the crime, atleast at this stage.

6. For the reasons stated, above application is granted subject to following conditions :

ORDER

(i). In the event of arrest of the applicant arrested in Crime No.I-78/2020 registered with Nizampura Police Station, Thane, he shall be released on bail on executing PR bond for the sum of Rs.20,000/- (Rs. Twenty Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer on 21st, 28th December, 2020 and thereafter on 4th, 11th, 18th, 25th January, 2021 between 11:00 to 1:00 p.m.

(iii) The applicant shall furnish particulars of his permanent residential address and contact details to the Investigating Officer within a week.

(iv) The applicant shall not tamper with the

evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is accordingly allowed and disposed of.

8. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

Neeta
S.
Sawant

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signed by
Neeta S.
Sawant
Date:
2020.12.19
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(SANDEEP K. SHINDE, J.)