

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 879 OF 2021

Qureshi Mohammad Raza s/o Abdul Qureshi,
 Age : 35 years, Occu : Architect,
 R/o : H.No. 8-10-616, Katkat Gate,
 Arish Colony, Near Arish Masjid,
 Aurangabad. ... Applicant

VERSUS

The State of Maharashtra
 Through Begumpura, Police Station
 Aurangabad, Tq.& Dist.Aurangabad ... Respondent.

...

WITH
CRIMINAL APPLICATION NO. 1948 OF 2021
IN ANTICIPATORY BAIL APPLICATION NO.879 OF 2021

AYESHA SIDDIQUI W/O RAZA QURESHI
 Age : 31 years, Occu : Private Service,
 R/o Labour Colony,
 Behind Collector Office, Aurangabad ...Applicant
 (original informant)

VERSUS

1. QURESHI MOHAMMED RAZA S/O
 ABDUL QURESHI, Age : 35 years,
 Occu : Architect,R/o : H.No. 8-10-616,
 Katkat Gate, Arish Colony, Aurangabad
2. The STATE OF MAHARASHTRA
 Through Police Station Begumpura,
 Tq. & Dist. Aurangabad. ...Non Applicants

...

Advocate for the Applicant : Mr. P. M. Nagargoje
 APP for the Respondent – State : Mr. V. S. Badakh
 Advocate for informant to assist APP : Mr. R. G. Joshi and
 Mr. Zaki Shaikh

CORAM : ... V. G. BISHT, J.

DATE : 01st SEPTEMBER, 2021

PER COURT :-

1. Heard. Criminal Application for assisting APP stands allowed in terms of prayer clause 'B' and disposed of.

2. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.0334/2021, registered with Begumpura Police Station, Aurangabad Tq. and Dist. Aurangabad for the offences punishable under Sections 498-A, 313, 354, 323, 504, 506 and 34 of the Indian Penal Code, 1860.

3. It is the case of prosecution that the applicant was married with informant in 2011. She was treated well for 2 to 3 years and thereafter applicant and his family members started demanding and asking her to bring Rs. 50,00,000/- from her parents, otherwise they would kill her. It is further alleged that the applicant and his relatives caused abortion by assaulting her and making her to eat pills.

4. Mr. P. M. Nagargoje, learned counsel for the applicant,

submits that there is huge delay of six months in filing the present FIR in as much as her earlier complaint (N.C.) dated 15.01.2021 was enquired and no cognizable case was made out. Even otherwise, there is nothing to be recovered from the applicant. Moreover, applicant is having roots in the society, there are no criminal antecedents and that he would abide by any conditions which may be imposed by this Court upon him.

5. Mr. V. S. Badakh, learned APP for the Respondent – State, on the other hand, has opposed the submissions by contending that not only the informant was subjected to cruelty but she was made to abort twice into physical harassment. So also all the ornaments are still in the custody of applicant and his parents and, therefore, for this reason also the custody is necessary. In such circumstances, the present application should not be allowed.

6. I have carefully gone through the contents of First Information Report, the allegations against the applicant and others are of physical and mental harassment thereby constituting the offences of cruelty. Having regard to the relationship between the parties and as also facts and circumstances of the case *prima facie* I am of the opinion that the prosecution has not made out a case for custodial

interrogation. This being so, I am inclined to allow the present application.

7. In view of above, I pass the following order :

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant - Qureshi Mohammad Raza s/o Abdul Quadar herein in connection with Crime No.0334/2021, registered with Begumpura Police Station, Aurangabad, Taluka and District Aurangabad for the offences punishable under Sections 498-A, 313, 354, 323, 504, 506, 34 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand only), with one or two sureties in the like amount.
- (iii) The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- (iv) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**

shp/-