

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

916 ANTICIPATORY BAIL APPLICATION NO. 1131 OF 2020

1. RASUL S/O. AYYUB SHAIKH
2. AYYUB S/O. SARDAR SHAIKH
3. SURAIYYA W/O. AYYUB SHAIKH
4. TAYYAB S/O. AYYUB SHAIKH
5. HEENA W/O. ATIQ SAYYAD
6. FARZANA W/O. WAHID SHAIKH
7. ATIQ S/O. SHAKIR SAYYAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. C.K. Shinde.

APP for Respondent Nos. 1 & 2 : Ms. R.P. Gour.

CORAM : MANGESH S. PATIL, J.

DATED : 19.01.2021

PER COURT :

The husband, parents-in-law, married sisters and other relatives of the informant are seeking bail apprehending their arrest in connection with the Crime registered at her instance bearing No. I-192/2019 with Ramtirth Police Station, District Nanded, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. In sum and substance the allegations in the FIR are to the effect that the informant was married to the applicant No. 1 on 23.11.2017. Since inception there was demand for money. All the applicants were

insisting that she should bring amount of Rs. 2 Lakhs for setting up a poultry farm. When she tried to convince them the inability of her parents to pay such a huge money, she was subjected to cruelty. Her parents tried to convince the applicants but in vain. On 21.09.2019, she was assaulted about which she had lodged a report with the police and came back to her parental home. It is then alleged that on 11.11.2019, all the applicants went to her parental home and again raised demand and refused to take her back if the money was not paid. The applicant No. 1 husband also assaulted her. Even her parents were assaulted. She lodged the FIR after this incident.

3. Learned Advocate for the applicants submits that though there is some matrimonial dispute, the informant is acting in vengeance. Though she has been residing in Waluj area of Aurangabad, she has ingeniously filed a complaint at her native which is at a far distant place from the residence of the applicants. The applicants have been protected by way of ad interim relief. They have not committed any breach of the conditions subject to which the ad interim relief was granted to them. Except offence punishable under Section 498-A of the IPC, the other offences are bailable. Going by the allegations, custodial interrogation of the applicants is not necessary and the ad interim relief may be confirmed.

4. Learned APP opposes the application. She submits that the offence is serious. It is not that at the first occasion the informant has filed the FIR. Even prior thereto, a non-cognizable report was lodged by her in respect of the assault by the applicants. Even she had approached the Women's Grievance Cell. It is but natural for her to have gone back to her parental home. No inference can be drawn only because she has filed the FIR at her native place. Since there are specific allegations against the husband about having assaulted her, his custodial interrogation would be necessary and the application be rejected.

5. I have carefully gone through the papers. Admittedly, the applicants were granted ad interim anticipatory bail by the order dated 07.12.2020. There are no allegations about the applicant No. 1 having not attended the concerned police station once in a month as directed. The allegations against the rest of the applicants are vague and omnibus. Accepting the allegations at their face value custodial interrogation of the applicants does not seem to be imperative.

6. Application is allowed. Ad interim relief granted by the order dated 07.12.2020 stands confirmed on the same terms and conditions with a modification that the applicant No. 1 shall attend the

concerned police station as directed only till filing of the charge sheet.
The rest of the applicants shall attend the concerned police station on
30.01.2021 between 12.00 noon to 03.00 p.m. and shall co-operate
the Investigating Officer.

(MANGESH S. PATIL, J.)

S.P.C.