

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

ANTICIPATORY BAIL APPLICATION NO.471 OF 2019

Smt. Yasmeen Sharif Shaikh & Ors. Applicants

Vs.

State of Maharashtra Respondents

**WITH
CRIMINAL APPLICATION NO. 912 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.471 OF 2019**

Mrs. Zareen Hussain Shaikh Intervenor

In the matter between

Smt. Yasmeen Sharif Shaikh & Ors. Applicants

Vs.

State of Maharashtra Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.472 OF 2019**

Hussain Sharif Shaikh Applicant

Vs.

State of Maharashtra Respondent

WITH

**CRIMINAL APPLICATION NO. 910 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.472 OF 2019**

Mrs. Zareen Hussain Shaikh		Intervenor
<u>In the matter between</u>		
Hussain Sharif Shaikh		Applicant
<u>Vs.</u>		
State of Maharashtra		Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.473 OF 2019**

Mr. Shamsuddin Abdul Gaffar Shaikh		Applicant
<u>Vs.</u>		
State of Maharashtra		Respondent

**WITH
CRIMINAL APPLICATION NO. 911 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.473 OF 2019**

Mrs. Zareen Hussain Shaikh		Intervenor
<u>In the matter between</u>		
Mr. Shamsuddin Abdul Gaffar Shaikh		Applicant
<u>Vs.</u>		
State of Maharashtra		Respondents

Mr. Vijay S. ThakurSingh for Applicants in all ABAs.

Mr. Imran Shaikh for Intervenor

Ms. Sharmila S. Kaushik, APP for State.

PSI, S.S. Tondwalkar Pairavi Officer, D.N. Nagar Police Station.

Coram : NITIN W. SAMBRE, J.

Date : 23rd JULY, 2021

P.C.:

In Anticipatory Bail Applications 471 of 2019 and 473 of 2019 :

1. The applicant-Hussain in Application No.472 of 2019 married to the complainant on 23rd February, 2018. The applicants in Application No. 471 of 2019 are mother-in-law, father-in-law and sister-in-law, whereas in Application No. 473 of 2019, the applicant is cousin of main accused Hussain, husband of the complainant.

2. Perusal of the F.I.R. reflects that the father-in-law i.e. applicant no. 2 in Application No. 471 of 2019 has accepted an amount of Rs.2,00,000/- by cheque during the marriage time, which Mr. Thakur in response to the Court's query assures that the same will be deposited

in the D.V. Act proceedings initiated by the complainant in Andheri court. Since the statement is made by Mr. Thakur, on instructions, same is accepted as an undertaking to this Court.

3 Perusal of the F.I.R. reflects that certain role is attributed to the applicants in the offence punishable under Sections 498-A read with 34 of the Indian Penal Code.

4 Learned APP on instructions, submits that the applicants' custodial interrogation in Application Nos. 471 of 2019 and 473 of 2019 is not required. Since the statement is made on instructions, same is accepted as an undertaking.

5 In view of above, both these applications i.e. Anticipatory Bail Application Nos. 471 of 2019 and 473 of 2019 stand disposed of, as the custody of the applicants is not required.

6 As far as applicant in Application No. **472 of 2019** is concerned, he was married to the complainant on 23rd February 2018.

Perusal of the F.I.R. reflects about the matrimonial discord and there are various NCs filed at the behest of the complainant, her father against the said applicant.

7 Apart from the fact that there was matrimonial discord, it appears that certain amount claimed to have been accepted towards dowry as has been alleged in the complaint. Apart from above, sridhan in the form of jewellery has also not returned to the complainant or her parents.

8 In the aforesaid backdrop, considering the date of marriage i.e. 23rd February, 2018, a date of complaint i.e. 20th December, 2018, the receipt of amounts on various occasion by the applicant during the marriage time and also the jewellery, in my opinion, prima facie involvement of the applicant in an offence punishable under Section 498-A of the Indian Penal Code as could be inferred in the contents of the F.I.R. is made out.

9. Apart from above, the fact remains that the allegation of receipt of dowry cannot be ignored, particularly considering the time between which the offence came to be registered. That being so, no case for grant of bail is made out. The Anticipatory Bail Application No. **472 of 2019** as such fails, rejected.

(NITIN W. SAMBRE, J.)