

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

**ANTICIPATORY BAIL APPLICATION NO. 987 OF 2021**

Asif Talat Rashid Shaikh & Ors. .... Applicants

Versus  
The State of Maharashtra .... Respondent

Mr. Edgar K. Braganza i/b Nadeem Sheikh, for the applicants.

Smt. A.A. Takalkar, APP for the State/Respondent.

Mr. Anees Aslam i/b Sufian Qureshi for Intervenor.

**CORAM: SARANG V. KOTWAL, J.  
DATE : 6<sup>th</sup> APRIL, 2021**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 165 of 2021 registered at Naya Nagar Police Station, Thane, on 16/3/2021 under sections 498-A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Edgar K. Braganza, learned Counsel

for the applicants, Smt. A.A. Takalkar, learned counsel for the applicant and Mr.Anees Aslam learned Counsel for the Intervenor.

3. The FIR is lodged by the applicant No.1's wife. The applicant Nos. 2 and 3 are parents of the applicant No. 1. The informant in her FIR dated 16/3/2021, has stated that she had got married with the applicant No. 1 on 27/1/2008. It was a love marriage. It is mentioned in the FIR that, after their marriage, the applicant No. 2 had told the informant that the applicant No. 1 was earlier married on two occasions. It is further mentioned in the FIR that, on 25/06/20009, the informant delivered her first daughter. Before that applicants had insisted that she should not continue with her pregnancy. But she ignored their harassment. There are allegations that the applicants were harassing her on the ground that the informant's father had not given sufficient ornaments and money. Because of this harassment, the informant's father had given some ornaments and money.

4. In the year 2015, the informant delivered her twin daughters. It is alleged that thereafter the applicant no. 1 passed humiliating remarks against her. The informant came to know that the applicant No. 1 was having some relations with a third person. It is alleged that she had given some complaint at Naya Nagar Police Station. On 15/3/2021, the informant was discussing their relations with the applicant No. 1. The discussion turned into a quarrel. It is alleged that the applicant No.1 started beating her. The applicant No. 2 twisted her hand and the applicant No. 3 also joined in beating. Thereafter the informant went to the hospital with the applicant No. 1. She decided to lodge complaint against all the applicants. But she changed her mind. While she was coming home, she saw that the applicant No. 1 was standing outside Naya Nagar Police Station. She came to know that the applicants were lodging complaint against her. It is alleged that the informant then told the police about the incident in the morning. They gave her a memo for treatment at the hospital. The informant went

to that hospital with applicant No.1. It is alleged that while going back, the applicant No.1 again beat her. Because of this, the informant felt humiliated. She bought poison from a medical shop next to the Police station and consumed it. Her statement was recorded at Sai Ashirwad Hospital, where she was taking treatment.

5. Learned Counsel for the applicant submitted that the marriage was performed in the year 2008 and after 13 years of marriage, these allegations have surfaced. He submitted that the informant was earlier married with someone else before getting married with the applicant No. 1 and had a daughter from that marriage. The applicants have looked after that daughter with full of care and affection. But the informant was never happy. He submitted that on that day i.e. on 15/3/2021, itself, the applicant No. 2 had lodged a non cognizable case vide NCR No. 541 of 2021 at the same Naya Nagar Police Station under Sections 323, 504 and 506 of the Indian Penal Code against the

informant. Therefore, as a counter blast, the informant created scene in the police station, consumed poison and almost forced registration of the FIR. He further submitted that, in this background, custodial interrogation of the applicants is not necessary as it would cause injustice to all the applicants.

6. Learned Counsel for the informant submitted that the informant had consumed poison and there has to be reason for taking such extreme step. He submitted that, only because of the harassment, she had taken this extreme step and therefore, the applicants should be arrested.

7. Learned APP relied on the FIR as well as on the statements recorded during investigation. She submitted that the informant had given supplementary statement on 24/3/2021, in which, the informant had made further allegations against the applicant No. 3 that he was having ill intentions towards her. He used to touch her

inappropriately and used to make obscene gestures.

8. I have considered these submissions. It is really unfortunate that the parties have reached this stage after 13 years of marriage and after birth of three daughters. From the submissions, it appears that all these allegations and counter allegations are really avoidable. The event on that particular date i.e. on 15/3/2021, show that the applicant No. 2 had lodged NCR which was first in point of time. Because of that the informant got annoyed and consumed poison. Thereafter, she was taken to the hospital and the FIR was lodged.

9. The narration in the FIR shows that after quarrel in the house, it was always the applicant No. 1 who had accompanied the informant at different places including the hospital for treatment. This also shows that their relationship has not reached a dead end.

10. Learned Counsel for the applicants invited my

attention to the medical papers showing that the applicant No. 1 had harmed himself in an attempt to commit suicide on that very day. Thus it appears to be a matrimonial dispute which is taking unnecessary serious turn. In this background, custodial interrogation of the applicants is not necessary. The investigation can go on without their arrest.

11. Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R. No.165 of 2021 registered with Naya Nagar Police Station, the Applicants are directed to be released on bail on their furnishing P.R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.

(iii) The Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**