

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

ANTICIPATORY BAIL APPLICATION NO.1235 OF 2021

1) Shahid Siraj Dalvi; and
2) Siraj Abdulla Dalvi .. Applicants
Versus
State of Maharashtra .. Respondent

None for the Applicants.

Mr.Y.M. Nakhwa, APP for the Respondent – State.

HC/1380 S.K. Nair, Mumbai Police Station, Thane City, present.

CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 30, 2021.

P.C. :

The Applicants are seeking anticipatory bail in connection with C.R.No.280 of 2021 registered at Mumbra Police Station, District-Thane on 2nd April, 2021 for the offences punishable under Sections 498-A, 354, 406, 323, 504, 506 read with 34 of the Indian Penal Code (“IPC”, for short).

2 The FIR is lodged by the wife of Applicant No.1. Applicant No.2 is Applicant No.1’s father. The first informant has stated that she got married with Applicant No.1 on 6th November,

2020. At that time, Rs.1,50,000/- was paid as dowry. After her marriage, she started residing with Applicant No.1 at Sheel Phata. Applicant No.2 and his wife were residing at Ghatkopar and sometime they used to visit the informant and Applicant No.1's house. In the FIR, there are allegations that the Applicants were demanding a car from the informant. Applicant No.1 used to demand money from her and on that ground she was continuously harassed. Applicant No.1 was forcing her to sell the gold which she had brought from her parents. Applicant No.1 was also demanding Rs.5 Lakhs. On 26th November, 2020, Applicant No.2 on some pretext had asked other family members to go away and when the informant and Applicant No.2 were alone he acted indecently with her. On these allegations, the FIR is lodged.

3 Learned Counsel for the Applicants had submitted while considering grant of interim protection that admittedly Applicant No.2 was residing elsewhere therefore, there could not be harassment at his hands. The informant had lodged an N.C. complaint on 5th February, 2021, which is at Exhibit-K to this Application. In that N.C., there are no allegations against Applicant No.2 which are mentioned in the FIR. Even otherwise, said N.C. mentions about a petty incident between the parties and

there are no allegations made in the N.C. which are mentioned in the FIR. The Social Services Branch tried to mediate between the parties. However, the informant did not cooperate and instead lodged this FIR out of malice. Custodial interrogation of the Applicants is not necessary.

4 Learned APP submitted that the investigating officer is not present. However, I have perused FIR, documents annexed to application and interim order dated 19th May, 2021, wherein this Court has considered all the aspects and granted interim protection to the applicants.

5 Considering the factual aspects of the matter, custodial interrogation of the applicants is not necessary.

:: ORDER ::

- (i) Anticipatory Bail Application No.1235 of 2021, is allowed;
- (ii) Interim order dated 19th May, 2021, is confirmed
- (iii) In the event of arrest of the applicants in connection with C.R.No.280 of 2021 registered at

Mumbra Police Station, District-Thane, they be released on bail on executing P.R. Bond in the sum of Rs.30,000/-, each, with one or more sureties in the like amount;

- (iv) Applicants shall appear before the investigating officer as and when calledf for;
- (v) Anticipatory Bail Application No.1235 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)