

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

ANTICIPATORY BAIL APPLICATION NO.1234 OF 2021

1. Sameer Ahmed Siraj Ahmed
 2. Smt.Firoza Sameer Ahmed
- Applicants

versus

State of Maharashtra

.... Respondent

.....

- Mr.Ansari Kalim, Advocate for Applicants.
- Mr.A. A. Palkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th JULY, 2021
(Through video conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.I-225/2021 registered with Nayanagar Police Station, under sections 420, 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is not annexed to this application. However, the Investigating Officer is present and he has produced a copy of the FIR before me.

3. The FIR is lodged by the first wife of the present Applicant No.1. The Applicant No.2 is the Applicant No.1's second wife. The informant has stated that she had got married with the Applicant No.1 on 31/03/2004. She started residing with the Applicant No.1 and his parents after her marriage. She has alleged that the Applicant No.1 and his parents used to abuse her and used to beat her. She has alleged that she was not given sufficient food and she was asked to do all the household work. In the meantime, the couple had three daughters. It is alleged that the Applicant No.1 was not happy with their birth and therefore he used to harass the informant more. It is mentioned that the Applicant No.1 had affairs with other women and that was also one of the grounds for harassing the informant. On 06/07/2019, the informant asked him about his affairs. The Applicant No.1, his parents and sister got angry. They abused and beat the informant. They retained her Stridhan of 15 tolas of gold and drove her out of the house with the children. On this basis, the FIR was lodged.

4. Heard Mr.Ansari Kalim, learned counsel for the Applicants and Mr.A. A. Palkar, learned APP for the State.
5. Learned counsel for the Applicants relied on certain What'sapp messages sent to the Applicant No.1 by a third person's wife. It is the case of Applicant No.1 that the informant herself was having an illicit affair with another man, who was residing in that locality. He submitted that, as a counterblast, the informant lodged a false FIR against him. He submitted that the informant had taken away his children and he is unable to meet them. He submitted that the Applicant No.1 gave Talak to the informant on 28/06/2019 and submitted that, the Act prohibiting it was brought in force on 01/08/2019. He submitted that therefore no offence is made out against the present Applicants and their custodial interrogation is not necessary. Learned counsel for the Applicants further submitted that the Applicant No.1 has lost his job in Dubai and he is in India and is planning to start his own business. There are hardly

any allegations against the Applicant No.2.

6. Learned APP opposed this application on the basis of averments made in the FIR.

7. I have considered these submissions. The FIR itself mentions that the last incident was on 06/07/2019 and the FIR is lodged on 30/03/2021. The delay has remained unexplained. In the meantime, the Applicant No.1 questioned the informant about her own affair. The police will have to look into this aspect of the matter as well. In any case, the allegations in the FIR are not in respect of any particular instances. They are vague. The FIR is lodged belatedly. In this view of the matter, the Applicants' custodial interrogation is not necessary. However, considering the fact that the Applicant No.1 was working outside India, some conditions will have to be imposed, so that his availability is ensured. As rightly submitted, there are hardly any allegations against the Applicant No.2.

8. In this view of the matter, the Applicants can be protected by way of anticipatory bail.
9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.I-225/2021 registered with Nayanagar Police Station, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicant No.1 shall not leave India without prior permission of the trial Court.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)