

BDP-SPS-TAC

BHARAT
DASHARATH
PANDIT

Digitally signed
by BHARAT
DASHARATH
PANDIT
Date: 2021.10.22
19:35:00 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2507 OF 2021**

1] Tanveer Ismail Solanki
2] Smt. Asiya Ismail Solanki

.... Applicants.

V/s

State of Maharashtra

.... Respondent.

Mr. Salimuddin A Shaikh i/b Iqbal Abdulla Zarodarwala for the Applicant.

Mr. M.G Patil, APP for the Respondent/State.

PI M.S. Jadhav, Mumbra Police Station, present.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 22, 2021

P.C.:-

1] Applicants are seeking pre-arrest bail in C.R. No. 274 of 2020 registered with Mumbra Police Station for the offence punishable under Sections 498-A, 354, 406, 507, 34 read with Section 4 of Muslim Woman Protection Act 2019 read with Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Bill 2013.

2] Prosecution case is, complainant Roshni married to Applicant No.1 on 18th September, 2016. Applicant No.2 is mother of Applicant No.1.

3] Allegations are, Applicants practiced black magic, resulting in death of complainant's child in September, 2016. Apart from above allegations, allegations of illegal demand of amount and cruelty are also made.

4] Heard Mr Shaikh, learned Counsel for the Applicants and Mr Patil, learned APP for the Respondent/State.

5] Counsel for Applicants submits that brother-in-law of the Applicant No.1 was in business relation with him, as could be apparent from the complaints which are produced on record. It is claimed that cheques towards security for an amount of Rs 10 lakhs issued are sough to be misused as joint business has suffered losses.

6] While countering aforesaid submissions, learned APP submits that Applicants' custodial interrogation is necessary to recover

Stridhan.

7] Considered submissions.

8] Co-accused No.3 is already ordered to be released on pre-arrest bail against whom specific allegation of the offence under section 354 of IPC is made. As far as Applicants are concerned, complainant gave birth to child some time in September, 2016 and thereafter said child expired. The said issue is found to be basis for registration of offence. Apart from that, there appears to be matrimonial discord between Applicant No.1 and the complainant. The existence of business relations between Applicant No.1 and his brother-in-law i.e. brother of the complainant can be inferred from the cheques which were produced by the complainant in the investigation papers. It appears that in view of strained business relations and matrimonial discord Applicants are sought to be falsely implicated in crime. As such, case for grant of pre-arrest bail is made out.

9] In the event of the arrest of the Applicants, Applicants are directed to be released on bail in C.R. No. 274 of 2020 registered

with Mumbra Police Station for the offence punishable under Sections 498-A, 354, 406, 507, 34 read with Section 4 of Muslim Woman Protection Act 2019 read with Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Bill 2013 on execution of P.R. Bond in the sum of Rs.15,000/- each with one more more sureties in the like amount. Applicants shall neither influence the witnesses in any manner nor tamper with the evidence. Applicants shall not establish directly or indirectly contact with the complainant.

(NITIN W. SAMBRE, J.)