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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2552 OF 2021

MONISH ZAMEER SAYYED

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

Ms. Asha Joshi i/b Mr. T. R. Patel for the applicant

Ms. Sharmila S. Kaushik APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: 26th OCTOBER, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. I-523 of 2021 registered with Navghar Police Station for offence punishable under Sections 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.

2] Perused F.I.R. and the order of the learned trial court rejecting the prayer for grant of bail.

3] Applicant-husband was married to complainant on

05/09/2018. It is further claimed that complainant is residing with the applicant till February 2019 as is reflected in the F.I.R. Complaint is based on allegation of matrimonial discord, demand of dowry and the cruelty.

4] In the aforesaid background, it is apparent that there is unexplained delay in lodging F.I.R. All the family members of the applicant are implicated, and but for the applicant-husband, all were released on pre-arrest bail by the Sessions Court.

5] Even in the case in hand, in my opinion, applicant deserves bail in the above background as false implication cannot be ruled out.

6] As regards streedhan and other articles are concerned, it is always open for the complainant to seek relief in relation to the same before the Competent Court under the matrimonial law.

7] In that view of the matter, application stands allowed with following conditions:

(i) In the event of arrest of the applicant in C.R. No. I-523 of 2021 registered with Navghar Police Station for offence punishable under Sections 498-A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code, he be released on bail on furnishing P.R. bond in the sum of Rs. 20,000/- with one or more sureties in the like amount.

(ii) Applicant shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iii) Applicant shall not try to contact the complainant in any manner.

(iv) Applicant to attend Investigating Officer from 08/11/2021 to 11/11/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed

8] Application stands disposed of.

[NITIN W. SAMBRE, J.]