

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

ANTICIPATORY BAIL APPLICATION NO.2801 OF 2021

Shakir Hussain Wahid Ali Maniyar @

Sakir Vahidali Manihar and Ors.

..Applicants

Versus

The State of Maharashtra and Anr.

..Respondents

Mr. Vishal Deshmukh, Advocate for the Applicants.

Mr. A. R. Kapadnis, APP for the Respondent – State.

Mr. Pandit M. Rasam, PSI, Maland Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 24th NOVEMBER, 2021

PC.

1. Heard.

2. Complainant got married with the applicant No.1 on 22nd December, 2018. Applicant No.1 is husband, applicant No.2 is brother-in-law, applicant Nos.3 and 4 are father-in-law and mother-in-law whereas applicant No.5 is sister-in-law.

3. Case of the prosecution against the applicant is, applicant No.1 used to be under the influence of some psychotropic substance and taking disadvantage of the same, applicant Nos.2 and 3 sexually assaulted the complainant. It is claimed that there was demand of dowry by applicant Nos.4 and 5 i.e. mother-in-law and sister-in-law.

4. It is claimed that since last more than one year the complainant started residing with her uncle and as such unexplained delay in making serious allegation without any basis primarily demonstrates false implication.

5. Learned APP informs that there are serious allegations against applicant Nos.2 and 3 i.e. brother-in-law and father-in-law about sexual assault.

6. I have perused the investigation papers. It has come on record that since last more than one year the complainant was residing with her parents and uncle. The aforesaid fact can be borne out of the investigation papers. Apart from above, it is noticed that the complainant has arraigned all the family members of the husband including husband and no convincing explanation is given for not lodging the FIR immediately after the first alleged incident of sexual assault which is claimed to have occurred on 4th April, 2019.

7. It appears that there is matrimonial discord and complainant has tried to rope in all the family members of the husband in a crime which is not substantiated by any evidence.

8. That being so, case for grant of bail is made out.

9. Applicants in the event of their arrest in Crime No. 822

(903) -ABA-2801-21.doc.

of 2021 registered with Malad Police Station for the offence punishable under Sections 498A, 406, 376(2)(f), 354, 504, 506(2) of IPC are directed to be released on bail on executing P. R. bond of Rs.15,000/- each with one or more sureties in the like amount.

10. Applicants shall attend the Investigating Officer from 6th December, 2021 to 10th December, 2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

11. Applicants shall neither influence the witnesses in any manner nor tamper with the evidence.

12. Applicants shall not contact with the complainant and her family members.

13. As such, application stands disposed of.

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[NITIN W. SAMBRE, J.]