

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1942 OF 2019**

Ameena Israr Hussain Khan

... Applicant

V/s.

The State of Maharashtra

... Respondent

WITH**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1943 OF 2019**

Mohammed Adil Khan

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.D.V. Dhopatkar i/b. Mr. Naqvi Shahood Anwar A. Hasan for Applicant.

Mrs.Veera Shinde, A.P.P. for Respondent-State.

Mr.Feroz Shaikh for Informant/Complainant.

Mr.Subhash M. Thakur, A.P.I., Nayanagar Police Station.

CORAM : A.S. GADKARI, J.**DATE : 18th September 2021.****PC. :**

1. Heard Mr.Dhopatkar, learned counsel for the Applicant, Mrs.Shinde, learned A.P.P. for State and Mr.Feroz Shaikh, learned counsel for informant/complainant. Perused record.

2. Applicant in ABA/1942/2019 is mother-in-law and Applicant in ABA/1943/2019 is husband of the informant in C.R. No.0232 of 2019 dated 6th July 2019 registered with Nayanagar Police Station, Thane (Rural) for the

offence punishable under Sections 498-A, 307, 506, 406, 323, 504 read with 34 of the Indian Penal Code.

3. Mr.Feroz Shaikh, learned counsel for the informant/complainant on instructions submitted that, the parties herein have settled the matter amicably and he has instructions to give no objection for allowing the Anticipatory Bail Application filed by the Applicants i.e. husband and mother-in-law.

4. Perusal of record indicates that, the present crime is basically registered out of matrimonial discord. During the course of arguments on earlier occasion, this Court had observed that, it is difficult to held that, an offence under Section 307 of the Indian Penal Code is applicable against the Applicant-husband, after taking into consideration the allegations made to that effect. As the informant-wife has now settled the matter with the Applicant-husband, the Applicants can be protected by pre-arrest bail.

5. In view thereof, the interim relief granted by Order dated 4th September 2019 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

6. Both the Anticipatory Bail Applications are allowed in the aforesaid terms.

[A.S. GADKARI, J.]