

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2497 OF 2019

Irshad Iimambaksh Mansoori

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Sandeep Mishra for applicant.

Mrs.S.D. Shinde, APP for State.

CORAM : N. J. JAMADAR, JJ.

DATE : 21st AUGUST, 2021

P.C.:

1. Heard the learned counsel for the applicant.
2. This application is preferred for pre-arrest bail in C.R. No. I-44 of 2019 registered with Mumbra Police Station, for the offences punishable under sections 498(A), 420, 406, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 ('the Penal Code').
3. The applicant is the husband of the first informant, who was allegedly subjected to cruelty in order to coerce her to meet the unlawful demand of the property.
4. By an order dated 18th November 2019, this Court granted interim relief.
5. The learned counsel for the applicant submits that in pursuance of the order of this Court, the applicant did attend the

concerned police station on the specified dates. There are no allegations against the applicant which warrant custodial interrogation.

6. Mrs. Shinde, the learned APP, on the contrary, submits that the first informant has specifically alleged in the FIR that in the month of January 2018, the applicant and her mother-in-law relieved her of the “Stridhan”. The learned APP submitted that the applicant is a resident of Uttar Pradesh and, in the event, the applicant is released on anticipatory bail, he may not turn up for trial.

7. Evidently, the offences have their genesis in the marital discord. Charge-sheet has already been lodged against the co-accused Nos.2 and 3, who are the mother and sister of the applicant. The allegations in the FIR that the first informant was relieved of Stridhan appear to be of general nature. There is no description of the ornaments which were allegedly entrusted to the applicant and his mother. In the totality of the circumstances, the custodial interrogation of the applicant does not seem imminently warranted. Hence, I am inclined to allow the application by confirming the order dated 18th November 2019.

8. Hence, the following order :

O R D E R

- (i) The application stands allowed.
- (ii) Interim relief granted by order dated 18th November 2019 stands confirmed on the terms and conditions incorporated therein.
- (iii) In addition, the applicant shall regularly attend Mumbra Police Station for the purpose of investigation, as and when directed by the Investigating Officer, till filing of the charge-sheet.
- (iv) In the event of the filing of the charge-sheet, the applicant shall attend the proceedings before the jurisdictional Magistrate, regularly.

The application stands disposed of accordingly.

(N. J. JAMADAR, J.)