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

ANTICIPATORY BAIL APPLICATION NO. 2504 OF 2019

Mr.Shahnawaz Akhtar Mohammed
Ishaque Khan Applicant
Vs.
The State of Maharashtra Respondent

**WITH
INTERIM APPLICATION NO. 1407 OF 2019**

Mrs.Heena Shahnawaz Akhtar Khan .. Applicant

In the matter between

Mr.Shahnawaz Akhtar Mohammed
Ishaque Khan Applicant
Vs.
The State of Maharashtra Respondent

Mr.Kunal Tiwari a/w Mr.Avnendra Kumar i/b K.Juris, for the Applicant.
Mr.N.B.Patil, APP for the Respondent – State.
Mr.Vitthal Mahadu Dagale, ASI, Nayanagar Police Station, Mira Bhayandar, Virar Ayuktalay present.

CORAM : M. S.KARNIK, J.

DATE : 23rd AUGUST, 2021

P.C. :

. Heard learned Counsel for the applicant. The offences under the provisions of Sections 498-A, 406, 323, 504, 506 read

with 34 of the Indian Penal Code vide C.R.No.199 of 2019 are registered with Naya Nagar Police Station against the applicant by the complainant - Mrs.Heena Shahnawaz Akhtar Khan. The FIR is dated 12/06/2019. It is alleged that the complainant married the applicant on 22/11/2018. It is alleged that the applicant was ill-treated as there was demand for dowry. The complainant stated that apart from streedhan to the extent of 5 tolas, the complainant's father had booked a motorcycle amounting to Rs.98,500/- for fulfilling the demand of the applicant. On the night of 22/11/2018, the complainant was taken to the hotel by the applicant where the applicant demanded unnatural sex which was refused by the complainant. When on the next day, the complainant again refused the request made by the applicant, the applicant beat her. When the complainant informed this to her in-laws, instead of reprimanding the applicant, her in-laws demanded sum of Rs. 5 lakhs as dowry. The complainant was driven out of the house. On 03/12/2018, the complainant lodged a complaint with Naya Nagar Police Station. When the parents of the complainant tried to reconcile the matter with the in-laws of the complainant, again they demanded a sum of Rs. 5 lakhs. The applicant did not permit the complainant to resume cohabitation despite his assurance.

2. The allegations made in the complaint appear to be general in nature. So far as the motorcycle is concerned, the same was only booked but not handed over to the applicant. The applicant is willing to return the Refrigerator, cupboard and bed which the in-laws had gifted to the complainant and presently lying at the residence of the complainant. The statement is accepted. So far as the streedhan of 5 tolas gold is concerned, it is the contention of the learned Counsel for the applicant that the complainant has already taken the same away with her when she left the house.

3. None appears on behalf of the intervener today and even on the last occasion, there was no appearance on behalf of the intervener. I am informed that pursuant to the interim protection granted by this Court on 18/11/2019, the applicant has abided by the conditions imposed and has reported to the Investigating Officer as and when called for. In this view of the matter, in my opinion, the applicant deserves to be granted pre-arrest bail. Hence, the following order.

ORDER

- i) In the event of the arrest of the applicant in respect of C.R. No. 199 of 2019 registered with Naya Nagar Police Station, the applicant shall be released on bail on his

furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.

ii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

iii) The applicant shall co-operate with the investigation and shall report to the Investigating Officer of the concerned Police Station as and when called for.

4. The Anticipatory Bail Application is disposed of. In view the disposal of the same, Interim Application does not survive and the same stands disposed of.

(M.S.KARNIK, J.)