

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION [ABA] NO.130 OF 2021

[Firoz Sayyad s/o Sabir Ali Sayyad .vs. State of Maharashtra]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Raju Kadu, Advocate for applicant,
Ms Shamsi Haider, APP for non-applicant.

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CORAM : N.B. SURYAWANSHI, J.

DATED : JUNE 28, 2021.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

1. The applicant apprehends his arrest in Crime No.350/2020 registered with Mankapur Police Station, Nagpur for the offences under Sections 498-A, 406 r/w 34 of the Indian Pena Code and Sections 3 and 4 of the Dowry Prohibition Act.

2. The wife of the applicant lodged FIR against five persons including the applicant, his mother, uncle, brother and mediator. The FIR alleges that after the marriage, the informant was mentally and physically ill-treated for the period between 26.2.2020 to 9.6.2020. The FIR was lodged on 10.9.2020. On account of demand of Rs.20,000/- for paying the instalments of the car loan, the gold ornaments of the informant were retained by the applicant and his family members.

3. Heard the learned advocate for the applicant and the learned APP for the respondent-State. Perused the case diary.

4. From the FIR as well as the investigation papers, it appears that there is the matrimonial dispute between the applicant and his wife and out of that, the present FIR is lodged. Prior to lodging of the present FIR, non-cognizable case was registered at the instance of the applicant against the informant and others, in which investigating agency found that there was love affair between the informant and her cousin brother. The statements recorded during that proceeding are placed on record by the learned advocate for the applicant, so also the communication dated 3.7.2020 by Mankapur Police Station informing the applicant that his NC No.587/2020 was filed.

5. Taking into consideration the above circumstances and the fact that the applicant was granted interim protection vide order dated 3.3.2021 and the applicant has attended the Police Station and has cooperated in the investigation, the criminal application is allowed by confirming the interim order dated 3.3.2021.

6. Till the filing of the chargesheet, the applicant shall attend the concerned Police Station as and when called by the investigating officer.

7. The applicant shall not tamper with the prosecution evidence.

8. The observations made in the present application are *prima facie* in nature and the learned Trial Judge shall not be get influenced by the same at the time of the trial.

9. The application is disposed of.

(N.B. Suryawanshi, J.)