

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

ANTICIPATORY BAIL APPLICATION NO.406 OF 2022

Mohammad Yusuf Abdul Sattar Shaikh Applicant

versus

State of Maharashtra Respondent

.....

- Mr.A. M. Saraogi, Advocate for Applicant.
- Mr.P. H. Gaikwad, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.27/22, dated 13/01/2022, registered with Malvani Police Station, Mumbai, under sections 323, 504, 506, 509, 498-A, 406, 304-B, 306, 114 r/w 34 of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act.

2. Heard Mr.A. M. Saraogi, learned counsel for the Applicant and Mr.P. H. Gaikwad, learned APP for the State.

Digitally
signed by
MANUSHREE
V.
NESARIKAR
Date:
2022.02.23
17:35:12
+0530

3. The FIR is lodged by one Naseem Sujadmiya Sayyed, on 13/01/2022. She has stated that her daughter Saba got married with one Sattar Sikandar Momin on 27/12/2019. It was a love marriage. During the marriage the informant had given her ornaments in the form of Stridhan. In January 2020 Saba's father-in-law was forcing her to take a job. She was being harassed on the ground that she had got less dowry from her parents. Saba was consistently harassed. She was beaten, for which NC complaints were given by her.

4. Saba's in-laws and husband were demanding Rs.7 lakhs and threatened that she would be allowed to co-habit with her husband only if she brought that amount. On 06/09/2020, the Applicant and Saba's parents came to informant's house. At that time, the Applicant and Saba's relatives made allegations against Saba and told the informant that unless the informant gave Rs.7 lakhs as dowry, Saba would not be taken to her matrimonial house. It is mentioned in the FIR that the Applicant and his associates threatened the informant. The informant's

husband was put under tremendous pressure and he died because of heart attack. Sattar consistently started calling Saba and started asking for divorce. After a few days Sattar and the Applicant met the informant. At that time this Applicant told her that unless Rs.7 lakhs were paid as dowry, Saba would not be taken to her house and gave period of only one week for compliance of this illegal demand. There are allegations that after one week, the informant and Saba met the Applicant and told him that the amount could not be arranged. At that time, the Applicant told Saba that if the dowry was not paid, she should die and become free. He passed humiliating derogatory remarks against Saba and insisted that Rs.7 lakhs should be paid. The FIR thereafter goes on mentioning about Sattar's possible affair with another girl. It is mentioned that on 11/01/2022 Saba committed suicide by hanging herself. After that this FIR is lodged against Sattar, his parents and the present Applicant.

5. Learned counsel for the Applicant submitted that the Applicant was a social worker. As a part of this social cause, he

was trying to settle dispute in the community. Learned counsel submitted that this offence would not fall within the meaning of section 107 of IPC. The Applicant had filed a Petition in this Court against the police officers and therefore the police are holding grudge against him and therefore this false FIR is lodged against him.

6. Learned APP produced investigation papers before me containing statements u/s 164 of Cr.P.C. as well as statements of independent witnesses.

7. I have considered these submissions. The role of the Applicant is clearly spelt out. The Applicant on number of occasions demanded money had and threatened the informant as well as the deceased. The Applicant had expressed derogatory words regarding character of the deceased in front of the others in the meeting as well as on other occasions. The independent witnesses Zarina Abdul Raheman Shaikh and Rashida Mastan Shaikh who were residing in the neighbourhood, have stated

that on 06/09/2020 the Applicant came to the informant's house along with others, had demanded Rs.7 lakhs and passed humiliating remarks about Saba's character. This is sufficient corroboration to the informant's case by independent witnesses. The statement of the informant is recorded u/s 164 of Cr.P.C. Similar statement of Rashida is also recorded u/s 164 of Cr.P.C. They have consistently stated about the Applicant's role. Ultimately the deceased committed suicide. Though there was problem between the deceased and her husband, the Applicant's role also contributed in the deceased taking this ultimate step. Therefore no case for grant of anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)