

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

ANTICIPATORY BAIL APPLICATION NO. 738 OF 2022

Omar Ahmed Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Ms. Kanta Mishra a/w. Sandeep Dubey i/b. Abhimanyu Yadav for the Applicant.

Mr. Rutuja Ambekar APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 21st MARCH, 2022.**

P.C.

1. This application under Section 438 Cr.P.C. is filed by the aforesaid Applicant seeking pre-arrest bail in C.R.No. 103 of 2022 registered with Naya Nagar Police Station for offences under Section 498(A), 323, 504, 506 r/w. 34 of the IPC.

2. Heard Mr.Mishra, learned Counsel for the applicant and Mrs.Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

3. The aforesaid crime was registered against the Applicant and his family members pursuant to the FIR lodged by Husna Umar Shaikh- wife of the Applicant. The FIR prima facie reveals that the Applicant and the Complainant were in love with each other and they got married

in the year 2019. The allegations in the complaint prima facie reveal that the Applicant is having extra marital relationship, which has resulted in marital discord, and consequently resulted in lodging of the FIR. Assuming that the Applicant is having extra marital relationship, the same per se would not constitute cruelty. The family members, against whom the allegations of physical and mental cruelty are leveled have been released on bail.

4. Considering the nature of accusation and the material in support thereof, in my considered view, this is not a case for custodial interrogation. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in CR. No. 103 of 2022 registered with Naya Nagar Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for four days from 28th March, 2022, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not leave India without prior permission of the Court.

(vi) The Applicant shall not interfere with the Complainant and the other witnesses in any manner.

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(ANUJA PRABHUDESSAI, J.)