

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

ANTICIPATORY BAIL APPLICATION NO.740 OF 2021

1. Wasim Hashmi, &
2. Ruksar Hashmi
Versus
The State of Maharashtra

.... Applicants
.... Respondent

Mr. S.K. Ali, Advocate i/b. M/s. Kumar and Associates, for the Applicants.

Smt. Sharmila S. Kaushik, APP for the Respondent-State.

Mr. Prathamesh Gaikwad, Advocate for the complainant.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th FEBRUARY, 2022

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R.No.267/2020 dated 13.11.2020 registered at Mira Road Police Station under Sections 498-A, 406, 323, 504, 506 of the Indian Penal Code.

2. Heard Mr. S.K. Ali, learned counsel for the Applicants, Smt. Sharmila Kaushik, learned APP for the State and Mr. Prathamesh Gaikwad, learned counsel for the complainant.

3. The FIR is lodged by the wife of applicant No.1. Applicant No.2 is applicant No.1's sister. The informant has stated that she got married with applicant No.1 on 9.4.2019. At the time of marriage, the informant's mother had given ornaments and articles to the informant. Applicant No.1 has also given some ornaments to the informant. After the marriage, she started residing with applicant No.1's family including his parents, sister Pinky, her husband Nahim Haydar, their three daughters, applicant No.1's other sister Kanis, her sons, brother-in-law Yusuf and applicant No.2. On 23.4.2019, the informant and both the applicants went to reside at Dubai. There are allegations in the FIR that both the applicants started causing mental harassment to the informant on the ground that she had not brought expensive articles from her parents. In Dubai she became pregnant. She came to Mumbai for delivery. In the FIR, there are allegations that after coming to Mumbai she was harassed by the applicant's father and other sisters. The informant used to inform applicant No.1 but he did not support her, and instead, used to

threaten her. The FIR mentions various disputes between the informant and the applicant's other family members. There are allegations that the applicant's father on one occasion had beaten her. There were continuous quarrels. She was not allowed to take out the passport for her newly born baby. On one occasion, the informant lodged an N.C. complaint against the applicants' other family members. Since then she started residing separately with her parents and then finally lodged her FIR.

4. Learned counsel for the applicants submitted that the allegations in the FIR are false and fabricated. The ornaments are already returned to the informant. The applicants' custodial interrogation is not necessary. Both of them are residing in Dubai.

5. Learned counsel for the intervenor opposed this application based on the contents of the FIR.

6. Learned APP has also opposed this application. She submitted that applicant No.1 has attended the police station and has cooperated with the investigation. Applicant

No.2 has only attended the police but did not meet the investigating officer. She submitted that since both of them are stationed in Dubai, anticipatory bail should not be granted to them.

7. I have considered these submissions. In the entire FIR, there are only vague allegations against the present applicants. There are allegations that in Dubai when the informant stayed for a few months, she was harassed on the ground that she had not brought sufficient articles from her parents. These allegations are made belatedly. When she came back to India, she did not make grievance to anybody.

8. Rest of the allegations in the FIR are in respect of other family members. The FIR mentions her discord with other family members.

9. Considering the vague allegations against the applicant, their custodial interrogation would not serve any purpose at this stage. Therefore, they can be protected by an order of anticipatory bail. However, it is expected that they attend the trial regularly and do not cause any delay in

conduct of the trial.

10. Learned counsel for the applicants submits that the applicants will cooperate with proper conduct of the trial without causing any delay.

11. Considering this background and the discussion, the applicants are protected by order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.267/2020 registered with Mira Road Police Station, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The applicants shall attend the trial court on the dates fixed for their appearances. They shall cooperate with the smooth conduct of the trial.
- (iii) With these directions, the application is disposed of.

(SARANG V. KOTWAL, J.)