

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

ANTICIPATORY BAIL APPLICATION NO.767 OF 2022

1. Wasim Gulam Patel
2. Zakir Gulam Patel

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

....

Ms Nikita Bhavsar for the Applicants.

Mr. S.H. Yadav, APP for Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 23rd MARCH, 2022.

P.C.:-

1. By this application, filed under Section 438 of the Cr.P.C., the Applicant has sought pre-arrest bail apprehending his arrest in C.R. 1065 of 2021 registered with Goregaon Police Station, for the offences punishable under Sections 323, 498 A, 503, 504, 506 r/w 34 of the IPC.

2. Heard Ms Nikita Bhavsar, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for Respondent-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

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3. The aforesaid crime has been registered pursuant to the FIR

lodged by Mrs. Afrin Patel, wife of the Applicant No.1. A perusal of the FIR prima facie indicates that the Applicant No.1 and the Complainant were married in the year 2019. They have two children from the said wedlock. It appears that there is marital discord between the parties. The Complainant has made allegations of cruelty against the Applicant No.1 and the other family members. She has stated that they have been abusing, assaulting and subjecting her to physical and mental cruelty.

4. It is submitted that the other family members against whom similar allegations have been made have been granted pre-arrest bail. Hence, the Applicants who are similarly placed are also entitled for pre-arrest bail on the ground of parity. Even otherwise on merits also the allegations levelled against them are general in nature and most of the allegations are stale and trivial in nature.

5. Under the circumstances, in my considered view this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in C.R. 1065 of 2021 registered with Goregaon Police Station, the Applicants shall be released on bail on executing bail

bonds in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

(ii) The Applicants shall report to the police station for a period of four days from 25/03/2022 between 11.00 to 2.00 p.m. and thereafter as and when called by the Investigating Officer.

(iii) The Applicants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

(iv) The Applicants shall not interfere with the Complainant and/or her family members and shall not tamper with the evidence in any manner.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)