

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.165 OF 2022

Shagufta Shaikh

.. Applicant

Versus

The State of Maharashtra & Ors.

.. Respondents

...

Mr.Aayush Sudeep Pasbola with Mr.Suhail Shariff and
Mr.Rajdeep Singh for the Applicant.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

...

CORAM: BHARATI DANGRE, J.

DATED : 06th JULY, 2022

P.C:-

1. The learned counsel is aggrieved by the order dated 17/03/2022, passed by the Sessions Court at Dindoshi, Borivali Division, Mumbai in Anticipatory Bail Application No.298 of 2022 in connection with C.R.No.76 of 2022.

The learned counsel would submit that the applicants were arraigned as accused at the instance of the applicant/complainant, who lodged the report in Oshiwara Police Station, which resulted in invocation of Sections

498(A), 406, 377, 313, 354, 420, 465, 471, 504, 506(2) & 509 read with Section 34 of the I.P.C. alongwith Sections 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

2. The learned counsel submits that while releasing the applicants on bail in anticipation of their arrest, the learned Judge has not recorded any reasoning.

I do not agree with the said submission.

3. Perusal of the impugned order would reveal that it refers to the matrimonial discord between the parties in paragraph 2 and in paragraph 3 it is recorded that not only the complainant has levelled allegations against the accused, but there are counter allegations against the complainant as well by the accused. In paragraph 6, the learned Judge has expressed opinion that since the matter is in the nature of matrimonial discord and nothing has to be seized from the accused persons, custodial interrogation of the applicants is not warranted. Subject to the assurance that the applicants shall abide by the conditions, bail in anticipation of their arrest came to be granted.

I do not see any legal infirmity or perversity in the impugned order, as the learned Judge, on taking overall view of the allegations levelled against the applicants and the counter allegations levelled against the complainant, has arrived at the said conclusion. In any case, the learned Judge is right in recording that such accusations do not warrant custodial interrogation.

The application is, therefore, rejected.

(SMT. BHARATI DANGRE, J.)