

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

ANTICIPATORY BAIL APPLICATION NO. 1084 OF 2022

Maajid Akbani

..Applicant

v/s.

The Senior Inspector of Police
Nayanagar Police Stn. & Anr .

..Respondents

Mr. Taraq Sayed i/b. Swapnil Wagh for the Applicant.
Mr. N.B. Patil, APP for the State.

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

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No.132 of 2022 registered with Nayanagar Police Station for offences under Section 498A, 377, 494, 504 of Indian Penal Code and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.
2. Heard Mr. Sayed, learned Counsel for the Applicant and Mr. Patil, 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 pursuant to the FIR lodged by Rubiana Akbani, wife of the Applicant. Perusal of the FIR reveals that the Applicant and the first informant were in love with each other. Their marriage was solemnized on 1.5.2015. They have a child from the said wedlock. The first informant has stated that she has been residing

separately since December, 2021. She lodged the FIR on 02.03.2022 alleging that since the time of her marriage, she was subjected to physical and mental cruelty. She has also made allegations of the Applicant subjecting her to unnatural sexual relationship. She has further stated that the Applicant used to make video call his sister at London and used to have unnatural sex with the first informant.

4. The records reveal that the relationship between the Applicant and the first informant were strained. Learned Counsel for the Applicant has stated that the Applicant had entered into leave and license agreement with Femnida Khan in respect of the flat belonging to his sister, and that said Femida had filed a complaint against the Complainant. Similarly, complaint was filed against the Complainant by one Chandrakant Rama Shettigar who was inducted as a tenant in the said flat by the Applicant. It appears that apart from marital discord, there were also other disputes between the parties in respect of the said flat. The findings recorded in the Medical Certificate do not prima facie support the case of unnatural sexual relationship.

5. Considering the above facts and circumstances, in my considered view, this is a fit case for grant of pre-arrest bail. Hence the application is allowed on the following terms and conditions :-

(i) In the event of arrest of the Applicant in C.R.No.132 of 2022 registered with Nayanagar 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 two days on 25th and 26th April, 2022 from 11.00 a.m. to 2.00 p.m. 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 interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR
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(ANUJA PRABHUDESSAI, J.)