

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

ANTICIPATORY BAIL APPLICATION NO.1127 OF 2021

Farhana Taswor Quazi Applicant

versus

State of Maharashtra Respondent

.....

- Mr.Akhilesh Singh, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th JANUARY 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.186/2021 dated 05/03/2021 registered with Sakinaka Police Station, Mumbai, under sections 420 r/w 34 of the Indian Penal Code and under sections 3 and 4 of the Dowry Prohibition Act.

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2. Heard Mr.Akhilesh Singh, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.

3. The FIR is lodged by one Mohammed Said Kalim Ullah Khan. He has stated that his daughter Femida Khatun's marriage was fixed with the Applicant's son. For that a meeting was held and it is a specific allegation that the Applicant's family demanded Rs.1 lakh in cash. The engagement took place on 11/11/2020. At that time, the informant gave Rs.1 lakh cash to the Applicant's son. Apart from that the informant also spent substantial amount for the engagement and the prospective wedding. On 28/02/2021 at about midnight the Applicant's son and the Applicant herself called the informant and demanded Rs.50,000/- for AC and also certain amount for purchasing bullet-two wheeler. The informant expressed his inability. The Applicant and her son clearly told the informant that if the demand was not fulfilled, then the marriage would be cancelled. On the next day the informant tried to make them see reason. However, they did not listen to his pleading and broke the engagement. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the applicant's son is already arrested and granted regular bail. The Applicant has no role to play. On the previous occasion, the learned counsel for the applicant had made a statement before the Court that the Applicant would deposit Rs.1 lakh. However, such statement was made without any instructions from the Applicant.
5. Learned APP opposed this application and submitted that, the solemn statement made before the Court was not honoured. Apart from that there are clear allegations regarding cancellation of marriage for not paying dowry.
6. I have considered these submissions. There are direct allegations of demand of money. On the previous occasion the statement was made before this Court that Rs.1 lakh would be deposited by the Applicant with the Investigating Officer. However, this undertaking was not honoured. Therefore not only the offence is committed by the Applicant, but even this

Court is taken for a ride. This amounts to abuse of process of law. In any case the FIR clearly spells out the offence committed by the Applicant. In this view of the matter, anticipatory bail in such background cannot be granted to the Applicant. The application is rejected.

(SARANG V. KOTWAL, J.)