

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

ANTICIPATORY BAIL APPLICATION NO. 1134 OF 2022

1. Gulam Ahmad Jamal Ahmad Khan
2. Vahida Khatun Gulam Ahmad Khan
3. Shaina Khan Gulam Ahmad Khan
4. Ms. Zeenat Khan Gulam Ahmad Khan ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Abhinandan Vagyani h/f. Pankaj Kandhari & Chowdhari Moinuddin
for the Applicant.

Mr. N.B. Patil, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 26th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No. 75 of 2022 registered with Ulhasnagar Police Station for offences under Section 304B r/w. 34 of Indian Penal Code.

2. Heard Mr. Vaygnai, 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 Azaz Ahmed Lais Mohammed Choudhari, brother of the deceased Rehana, who was married to Mustafa, son of the Applicant Nos.1 and 2 herein. The marriage of Mustfa and Rehana was solemnized on

07.12.2019. The Complainant has alleged that his sister was treated well for about three months but later her husband and his family members started demanding dowry and subjected her to physical and mental cruelty, due to which she committed suicide on 08.02.2022.

4. The FIR prima facie reveals that the allegations of dowry are mainly against Mustafa, husband of the deceased, who has been arrested and is presently in custody. The material on record also reveals that the family of the deceased had transferred some amount in the account of one Arzu Ali Khan, sister-in-law of the deceased. The allegations against the Applicants, who are the parents and the sisters of Mustafa are general in nature. There is no prima facie material to show that any amount has been transferred in their name. Moreover, they were released on interim bail on 21.02.2022 and vide letter dated 24.2.2022 they had informed the Investigating Officer that they were ready to co-operate with the investigation. It is stated that till date the Investigating Officer has not called them for interrogation. No case is made out for custodial interrogation. Under the circumstances, and in view of the discussion above, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in C.R.No. 75 of 2022 registered with Ulhasnagar Police Station, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive

Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicants shall report to the Investigating Officer as and when called for by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer.

(iv) The Applicants shall not change their residential address without prior intimation to the Investigation Officer.

(v) The Applicants shall not interfere with the complainant and the other witnesses, or tamper the evidence in any manner.

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(ANUJA PRABHUDESSAI, J.)