

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1848 OF 2022**

Amir Mehraj Shaikh & Anr. .. Applicants
Versus
The State of Maharashtra .. Respondent

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Ms.Ruchika Arun Ghag i/b Shavez Mansoori for the Applicant.
Smt.Veera Shinde, A.P.P. for the State/Respondent.
Mr.Prabhanjay Dave with Trupti Khamkar for the complainant.
PI Shi M.N. Shelke from Malvani police station.

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**CORAM: BHARATI DANGRE, J.
DATED : 14th JULY, 2022**

P.C:-

1 The applicant no.1 is the husband of the complainant, whereas the applicant no.2 is her brother-in-law. They are apprehending their arrest in C.R.No. 776/2022 registered with Malvani police station on 15/6/2022, which invoke Section 498A, 376, 377, 406, 323, 504 r/w 34 of the IPC, where occurrence of events is narrated from 12/11/2021 to 15/6/2022.

2 Heard the learned counsel for the applicant, learned counsel for the complainant and the learned APP. The complainant is also present in the Court.

3 Perusal of the complaint lodged by the complainant would reveal that she was married to the applicant no.1 on 12/11/2021 and subsequent to her marriage, she started residing in her matrimonial house, where the applicant no.2 as well as the other family members were residing. The longish complaint make a reference to certain instances attributed to physical and mental harassment by the female members of the family. It is also alleged that she was often humiliated on account, that she had not brought much dowry as per their expectation and the physical and mental abuse has been specifically highlighted.

4 As far as applicant no.2 is concerned, the complainant has narrated that on 19/2/2022, when she was all alone at her home and resting in her bedroom, taking advantage of the situation, the applicant no.2 entered into her bedroom and started touching her inappropriately. When she objected, he was irate and by using abusive language, he threw her on the bed and forcibly committed sexual intercourse with her, without her consent. She was also threatened that the incident shall not be reported to anyone. However, upon return of her husband from work, when she reported to him, the applicant no.1 abused her and accused her of blaming his brother. Even the mother-in-law was also informed about the alleged incident by the husband. As a consequence on 20/2/2022 she was dropped to her parents house. Her testimony to establish contact with the husband did not yield any results. On 13/3/2022, she once again went to

reside in her matrimonial house, and underwent the same harassment. The father-in-law as well as mother-in-law and the brother-in-law as well his wife are accused of being abusing with her and assaulting her.

She was taken to the hospital and administered treatment on 19/3/2022. On 27/3/2022, when she again went back to the matrimonial house, her husband gave her an offer to reside separately as she was complaining about the ill-treatment at the hands of his family, as a result of which, he started separately residing with her husband in Malwani, Malad in rented premises. On 29/3/2022, the husband performed unnatural sexual intercourse with her and she had narrated the said incident in her complaint. Similarly, he has also clicked her photographs in objectionable position and retained her. On 26/4/2022, the husband refused to return her and when she went to her in-laws, she was thrown out of the house. Thereafter, she started residing with her husband, is the narration in the complaint. This resulted in registration of the FIR On 15/6/2022. The explanation offered is that she had to muster courage to lodge the FIR.

5 The accusations faced by the two applicants are serious in nature and are not in the nature of normal quibble in a house, which occurs between the husband and wife but the complainant has accused them of sexually abusing her. The said accusations deserve a custodial interrogation.

6 Application is therefore, rejected.

As far as the counsel from legal aid is concerned, who has assisted the court, the Legal Aid Services Authority is directed to effect necessary payments of legal remuneration.

(SMT. BHARATI DANGRE, J.)