

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

ANTICIPATORY BAIL APPLICATION NO. 3213 OF 2021

Mohid Mehmood Khan

.... Applicant

Versus

The Sr. Police Inspector, Dharavi
police station & Anr.

.... Respondents

Mr. Mateen Shaikh for Applicant.

Mrs. J. S. Lohokare, APP for 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. 383 of 2021 registered at Dharavi Police Station, Mumbai, on 06/05/2021, under sections 498A, 306 and 504 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Mateen Shaikh, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by the father of the deceased on 12/04/2021. He has stated that the deceased got married with the applicant in June

2020. After that, the couple was residing in Dharavi. The applicant had given false information about his job. After marriage they came to know that the applicant did not have his own business but was earning through some small time employment. The F.I.R. mentions that the applicant and his Aunt were continuously harassing the deceased for bringing Rs.5 lakhs from the informant. It is alleged in the F.I.R. that the applicant used to beat her often and was forcing her to bring money. The deceased was not allowed to speak with the informant's family. The deceased somehow contacted the informant through a third person's phone and told the informant about the harassment which she was suffering. There are allegations that the applicant made false allegations about her character. The deceased was sent to their native place. The informant somehow pleaded with the applicant and his family and brought the deceased back to reside with the applicant in February 2021. While the deceased was staying with the informant, she told him that the applicant used to beat her for money. She was not allowed to go out. She was locked in the house many times. Her phone calls were recorded.

4. The deceased committed suicide by hanging herself on 11/04/2021. Thereafter the first informant lodged this F.I.R.

5. Learned counsel for the applicant submitted that the deceased was having an affair and that's why she did not want to reside with the applicant and she committed suicide. The applicant cannot be held responsible for the same. There are conversations between the deceased and her parents showing her reluctance to reside with the applicant. He also relied on an affidavit, a copy of which is annexed to this application at Page No.31; wherein the deceased had admitted about her affair with a third person. This affidavit was executed on 13/02/2021. Learned counsel, therefore, submitted that, in this background, applicant's custodial interrogation is not necessary.

6. Learned APP opposed this application. She submitted that the deceased had committed suicide in the matrimonial house. Her character was doubted. She was forced to sign that affidavit. There is continuous harassment at the applicant's hand. Therefore, offence U/s.306 of IPC is clearly made out. Custodial interrogation of the applicant is necessary. No case for grant of

anticipatory bail is made out.

7. I have considered these submissions. The F.I.R. itself specifically gives instances and the manner in which the deceased was harassed by the applicant for demand of money. The conversation between the deceased and her parents, at the most, shows that she was reluctant to reside with the applicant. This was also probable considering the nature of allegations spelt out in the F.I.R. As far as, affidavit purportedly executed by the deceased is concerned, the said affidavit itself shows that the deceased was humiliated and was made to accept her affair with a third person and it was recorded in the affidavit. This will also amount to cruelty. In this view of the matter, the offence is serious. Custodial interrogation of the applicant is necessary. No case for anticipatory bail is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)