

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.725 OF 2021

(SAIYYAD JAVED KAJI@ JAYODDIN NASARUDDIN KAJI....VS.. STATE OF MAH. THR. PSO ARVI & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Mahesh Rai, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 18, 2022.

1. By the present application the applicant is seeking pre-arrest bail in Crime No.695 of 2021, registered on 11/09/2021 with Police Station, Arvi, District : Wardha for the offence punishable under Sections 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

2. The complainant Shabana Parveen lodged a complaint that she married to the applicant as per the Muslim rites and after marriage the applicant started ill-treating the complainant and was causing mental and physical harassment. It is also alleged that there was a demand of dowry, which resulted into filing of the complaint under the Protection of Women from Domestic Violence Act, 2005. It is further alleged that on 01/09/2021 the applicant in presence of the family friend pronounced the word "Talaque, Talaque, Talaque" loudly

and told the complainant that she was no more his wife. Accordingly, on 11/09/2021 the complaint was lodged and it was registered against the applicant for the above referred offence.

3. Heard learned counsel for the applicant and the learned A.P.P.

4. Shri Mahesh Rai, learned counsel for the applicant states that the alleged incident is dated 01/09/2021 whereas the complaint was lodged on 11/09/2021 and there is no explanation offered by the complainant for such delay. He submits that there is marital discord and the complaint has been filed out of the said marital discord. It is submitted that the applicant is falsely implicated in this case.

5. Shri Rai, learned ocounsel for the applicant further states that this Court vide order dated 28/10/2021 had granted ad-interim anticipatory bail to the applicant. He further submits that the applicant has not misused the liberty and accordingly he prays for confirmation of the aforesaid ad-interim anticipatory bail.

6. Shri Sirpurkar, learned A.P.P. strongly opposed the application and submits that the investigation is going on and during the investigation sufficient material has been collected against the applicant.

7. After going through the allegations made in the FIR and considering the reply filed by the State, I am of the opinion that the custody of the applicant is not necessary. In the circumstances, I pass the following order:

- i) The application is allowed.
- ii) The order dated 28/10/2021 granting ad-interim anticipatory bail is confirmed.

The application stands **disposed of** accordingly.

JUDGE

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