

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

**ANTICIPATORY BAIL APPLICATION NO.1289 OF 2023
WITH
INTERIM APPLICATION NO.2160 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1289 OF 2023**

1. Nijam @ Nizamoddin Ab, Salam
Qureshi

2. Umar Farook Ab. Salam Qureshi ...Applicants

Versus

The State of Maharashtra ...Respondent

...

Mr. R.V. Gupta for the Applicants.

Mr. R.M. Pethe, APP for Respondent -State.

Mr. Priyal Sarda for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd JULY, 2023.

P. C. :-

1. Learned counsel for the Applicants after arguing the matter for some time and when this Court expressed disinclination to grant relief in favour of Applicant No.2-Umar Farook Ab. Salam Qureshi, seeks leave to withdraw the application on behalf of Applicant No.2. Leave is granted.

2. The application is dismissed as withdrawn as against Applicant No.2.

3. The Applicant No.1-Nijam @ Nizamoddin Ab, Salam Qureshi apprehends his arrest in C.R. No. 849 of 2023 registered with Sadar Bazar Police Station, Solapur, for the offences punishable under Sections 304(b), 504 and 506 r/w 34 of the IPC.

4. Heard Mr. Gupta, learned counsel for the Applicants, Mr. Priyal Sarda, learned counsel for the Intervenor and Mr. Pethe, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. The aforesaid crime was registered pursuant to the FIR lodged by Ismail Bepari, uncle of the deceased Misbah. The facts narrated in the FIR prima facie reveal that marriage of the deceased and Shahid Salam Qureshi, brother of the Applicant was solemnized on 22/05/2022. On 12/11/2022 said Misbad committed suicide. The First Informant has alleged that husband and family members of the deceased demanded dowry and subjected her to physical and mental cruelty.

6. It is pertinent to note that there are no specific allegations as against the Applicant No.1. The material on record prima facie does not indicate that the Applicant No.1 herein had subjected the deceased-Misbah to cruelty or that he was involved in demanding dowry.

7. In such circumstances, this is a fit case to exercise discretion under Section 438 in favour of the Applicant No.1. Hence, the application is allowed in respect of Applicant No.1 on the following terms and conditions:-

- (i) In the event of arrest of the Applicant No.1 in C.R. No. 849 of 2023 registered with Sadar Bazar Police Station, Solapur, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant No.1 shall report to the concerned Investigating Officer as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicant No.1 shall not tamper with the

prosecution evidence and or influence the witnesses in any manner;

(iv) The Applicant No.1 shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

8. The application stands disposed of .

9. The interim application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)