

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

**ANTICIPATORY BAIL APPLICATION NO. 106 OF 2023
WITH
INTERIM APPLICATION NO. 235 OF 2023**

Imran Aman Shaikh ...Applicant

vs.

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 116 OF 2023
WITH
INTERIM APPLICATION NO. 236 OF 2023**

Aslam Abdul Hafij Kureshi ...Applicant

vs.

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 184 OF 2023**

Mushtaq Aman Shaikh ...Applicant

vs.

The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION (ST) NO. 5015 OF 2023
(INTERIM APPLICATION NO. 964 OF 2023)
IN
ANTICIPATORY BAIL APPLICATION NO. 116 OF 2023**

Aslam Abdul Hafij Kureshi ...Applicant

vs.

The State of Maharashtra and Anr. ...Respondents

Mr.Ashok Mundargi – Senior Advocate i/b. Mr.Ajay Bhise, Advocate for Applicant in ABA No. 106 of 2023.

Mr.Niranjan Mundargi i/b. Mr.Ajay Bhise, Advocate for Applicant.

Mr.Ajay Bhise, Advocate for Applicant in ABA No.116 of 2023.

Ms.Dharini Nagda a/w Ms.Chitra Salunke and Ms.Shreya Tiwari, Advocates for Intervenor in IA No.235 of 2023 in ABA No. 106 of 2023, IA No.236 of 2023 in ABA No.116 of 2023 and ABA No. 184 of 2023.

Mr.H.J.Dedhia – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 14th MARCH, 2023

P. C. :-

INTERIM APPLICATION NOS. 235 OF 2023 AND 236 OF 2023

1. Heard learned Advocate for the First-Informant and learned Senior Advocate Shri.Mundargi and other respective Advocates for the Applicants-Accused and learned APP. First Informant wants to join in these Applications. My attention is invited to an order passed by the Hon'ble Supreme Court in Special Leave Petition (Criminal) Dairy No.3686 of 2023 : dated 3rd February, 2023, wherein, the First-Informant has challenged the order granting interim protection to all these Applicants. She has been granted liberty to argue the matter before this Court. As she is the First-Informant, she has got right to

participate in all these Applications. Hence, the Applications are allowed and disposed of. She be made as Respondent No.2 and she is at liberty to file reply and to serve copy on learned Advocate of Applicants. It is submitted that in the Application itself, all contentions are taken and it is annexed by documents. It be treated as a reply.

INTERIM APPLICATION NO. 964 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 116 OF 2023

2. Heard learned Advocate for the Applicant-Accused, learned APP and learned Advocate for the First-Informant.

3. It is the case of the Applicant-Accused that divorce has taken place in between himself and the First-Informant and the deed is on Page No.35-A/50 and the First Informant has married with one Mohammad Javed and the deed of Nikahnama is on Page No.58. Whereas, in the Intervention Application No. 235 of 2023, First-Informant has pleaded that she continued to be a wife of the present Applicant. In view of that, Applicant-Accused wants this Court to initiate an action against the First-Informant.

4. In support of that, Applicant-Accused has annexed copy of charge-sheet initiated on the complaint of one Javed Qureshi who is

alleged second husband of the First-Informant and Police have recorded statement of First-Informant under Section 161 of the Code of Criminal Procedure, 1973 [“Cr.P.C.”] wherein she has described herself as the wife of Javed Qureshi. It is on Page No.27. Whereas, it is submitted on behalf of learned APP and learned Advocate for First-Informant that this Khulanama and Nikahnama are forged documents and the Police have added those relevant Sections.

5. So, the issue is whether that Khulanama and Nikahnama are genuine or whether the contention of the First-Informant is correct. Let the First-Informant to file reply to this Application. Let learned APP also to take instructions so far as the documents which are annexed to present Application and to file report on the next date.

6. In view of that, all these Applications are kept on **5th April, 2023**.

7. An interim protection to continue till next date. It is objected on behalf of the learned Advocate for the First-Informant. However, Court is inclined to extend it considering the above developments.

[S. M. MODAK, J.]