

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

ANTICIPATORY BAIL APPLICATION NO. 207 OF 2023

Arbaz Irfan Shaikh & Anr. ..Applicants

v/s.

The State of Maharashtra . ..Respondents

**WITH
INTERIM APPLICATION NO. 330 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 207 OF 2002**

Afreen Arbaz Shaikh ..Applicant

In the matter between

Arbaz Irfan Shaikh & Anr. ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Gautam Kanchanpurkar for the Applicant.

Mr. Nikhilesh Pote for the Intervenor.

Mr. R.N.Pethe, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 3rd MAY, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.58 of 2022 registered with Parksite Police Station for offences under Section 323, 498A, 504, 506, 509 and 406 of the Indian Penal Code.

Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2023.05.06
10:46:43
+0530

PRASANNA P
SALGAONKAR

2. Heard learned Counsel for the Applicant, learned APP for the State and learned Counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The marriage of the Applicant No.1 and the first informant was solemnized on 21.08.2019 . They have a child from the said wedlock. The first informant has lodged a report on 25.02.2022 alleging that the Applicants have subjected her to physical and mental cruelty. It is further stated that the Applicant No.1 has failed to maintain her and the child. It is also alleged that the Applicants have misappropriated the stridhan of the first informant. It is alleged that the Applicant No.1 has threatened to make her photographs and some obscene videos viral.

4. The proceedings essentially arise from matrimonial dispute. Considering the nature of the accusations, this Court by Order dated 23.01.2023 had granted interim protection to the Applicant. Learned Counsel for the Applicant states that the Applicant has reported to the Investigating Officer and he has been interrogated. It is also stated that the investigation has been completed and chargesheet has been filed. In such circumstances, presence of the Applicants is no longer required for custodial interrogation. Hence the application is allowed on the

following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.58 of 2022 registered with Parksite Police Station, the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;
 - (ii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
 - (iii) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.
- . Application stands disposed of.
 - . Interim Application No. 330 of 2023 stand disposed of in view of disposal of Anticipatory Bail Application.

(ANUJA PRABHUDESSAI, J.)