



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

ANTICIPATORY BAIL APPLICATION NO. 398 OF 2022

1. Nasimuddin Hakimuddin Shaikh
2. Mrs. Nasimbano Nasimuddin Shaikh
3. Mohd. Nadim Nasimuddin Shaikh
4. Afroz Jahan Nadim Shaikh ...Applicants
Versus
State of Maharashtra ...Respondent

Ms. Shraddha Singh, i/b Seema Singh, for the Applicants.
Mr. M. G. Patil, APP for the State/Respondent No.1.
Ms. Sartaj Shaikh, for Respondent No.2/First Informant.
API Parag Bhat, Nayanagar Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 16th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.9 of 2022, registered with Nayanagar Police Station, Mira-Bhayander, Vasai-Virar, for the offences punishable under Sections 498-A, 406, 323, 504 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. The genesis of the offences is in the matrimonial dispute between the first informant and accused No.1. One of

the allegations in the FIR is that the applicants had accepted an amount of Rs.3,00,000/- prior to the solemnization of the marriage. The allegation is controverted by the applicants by submitting that the applicants and parents of the first informant, being the relatives, had financial transactions even prior to the marriage.

4. Nonetheless, without prejudice to the rights and contentions and without admitting any liability on the count of the alleged payment being in the nature of dowry, applicant Nos.1 and 2 have shown willingness to deposit the sum of Rs.3,00,000/-.

5. In view of the aforesaid statement and the nature of accusation, which does not necessarily warrant custodial interrogation for an effective investigation, I am persuaded to exercise the discretion in favour of the applicants.

6. Hence the following order:

: O R D E R :

(i) The applicants shall deposit an amount of Rs.3,00,000/- in the Court of learned Magistrate exercising jurisdiction over Nayanagar Police Station within a period of four weeks from today.

- (ii) Subject to deposit of the aforesaid amount, order of pre-arrest bail dated 22nd February, 2022 is made absolute.
- (iii) The learned Magistrate shall invest the amount in an interest bearing account and the amount shall abide the final adjudication of the trial.
- (iv) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (v) The applicants shall regularly attend the proceedings before the jurisdictional Court.
- (vi) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Application stands disposed.

[N. J. JAMADAR, J.]