

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

**ANTICIPATORY BAIL APPLICATION NO. 425 OF 2021
WITH
INTERIM APPLICATION NO. 1206 OF 2021**

Mohammed Masood Manjar Husain Ansari
& Others

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Tariq Khan for the Applicant.

None for the Intervenor.

Mr. S.V.Gavand, APP for the State.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 10th APRIL, 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.43 of 2021 registered with Shivaji Nagar Police Station for offences under Section 376, 498A, 323, 504, 506 r/w. 34 of the Indian Penal Code.

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

3. The aforesaid crime was registered pursuant to the FIR lodged by wife of the Applicant No.1. The FIR reveals that the marriage of the Applicant No.1 and the first informant was solemnized on 14.01.2013.

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She alleges that the Applicant and his other family members subjected her to physical and mental cruelty for not meeting the unlawful demand of dowry. She has also stated that her husband had compelled her to give divorce and that when she refused, he uttered the words 'talak, talak, talak' and told her that he had already divorced her. She has also accused her father-in-law for subjected her to rape.

4. The records reveal that the first informant had also filed a D.V.Proceeding. She had made a statement that she had entered into settlement with her husband in the said D.V. proceeding, pursuant to which she was allowed to withdraw the said D.V. proceeding. It appears that the proceedings are arising from matrimonial dispute. The first informant had alleged that her father in law had subjected her to rape in the year 2018. FIR was lodged in the year 2021 only after she had learnt that her husband had planned to remarry. Allegations of rape, prima facie appear to be suspicious.

5. Learned APP states that the Applicants have joined the investigation and that the investigation is almost completed. Considering these facts and circumstances, in my considered view, this would not be a case which would justify custodial interrogation. Under the circumstances, interim relief granted on 25.02.2021 stands confirmed.

6. The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or

mobile/contact details from time to time.

7. The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

8. Application stands disposed of. Interim Application stands disposed in view of disposal of the ABA. Considering these facts and circumstances, in my considered view, this would not be a case which would justify custodial interrogation.

(ANUJA PRABHUDESSAI, J.)