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

ANTICIPATORY BAIL APPLICATION NO. 1090 OF 2023

Imamuddin Ansari

Age : 54 Years, Occupation : Business,
Residing at : 2164, Ansari Apartment,
4th Floor, Room No.403, Khandupada Road,
Near Tayyaba Masjid, Near Freed Arcade,
Shantinagar, Bhiwandi – Thane.

...Applicant

vs.

State of Maharashtra

[Through Shanti Nagar Police Station,
Thane]

...Respondent

Mr.Marmik Shah i/b. Mr.Kushal Mor – Advocate for Applicant.

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

Mr.Nilesh D. Jadhav – PSI – Shantinagar Police Station - Bhiwandi.

CORAM : S. M. MODAK, J.

DATE : 2nd MAY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State. Officer is present.

2. In an FIR registered at Shantinagar Police Station at Bhiwandi bearing C.R. No.765 of 2022, there are in all 5 Accused persons. Out of them, present Applicant is Accused No.2. There are very serious allegations made by the First-Informant. She is none other than wife

of the Accused No.1 and daughter-in-law of the present Applicant.

Accused Nos.3 and 4 are the sister-in-laws of the First-Informant, whereas, Accused No.5 is the preacher who was called in order to treat the First-Informant. The offence is registered under Sections 376, 498-A, 344, 506 of Indian Penal Code, 1860 [“IPC”] and under Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.

3. The sum and substance of the allegation is that after the marriage, the First-Informant was pregnant in short duration. The in-laws raised suspicion about early pregnancy. She delivered a male child in 3rd October, 2020. However, she was ill-treated by the sister-in-laws by giving various tablets. The in-laws called one preacher. He has gained confidence and she had gone to the extent of remaining in the room along with the First-Informant. Then he went to the extent of having sexual intercourse with the First-Informant under the garb of giving treatment. This happened on various occasions.

4. When she told this fact to the in-laws, they tried to impress upon the First-Informant to continue with the same treatment. On 28th December, 2019, somehow she left the matrimonial house and thereafter, FIR is lodged after a gap of three years on 16th December,

2022. The contention is that this Court has already granted anticipatory bail to Co-accused Nahid Shahzafar Ansari on 23rd March, 2023. Whereas, Accused Kafil Imamuddin Ansari who is husband has been granted bail by the Sessions Court – Thane, so also, the Accused Nasrullah is also granted regular bail by the Court of Session.

5. Learned APP submitted that the role assigned to this Applicant is different from the role assigned to the Accused – Nahid. She is the sister-in-law of the First-Informant.

6. Even though it may be true that the role alleged against this Applicant is little bit different, so to say that even though disclosed by the First-Informant to the present Applicant, instead of taking any action, he tried to impress upon the First-Informant to continue with the similar treatment. Be that it may, FIR is lodged after a gap of three years after the first informant left the matrimonial home. It is contended that the present Applicant was ex corporator and he was very influential person. Even there is allegation that the incident took place daily. Even though it is true that the allegations are serious, ultimately, the Court has to see for what purpose, custodial interrogation is required. Already the charge-sheet is filed against other arrested accused persons. I do not think that any material or

incriminating article is to be recovered at the instance of the present Applicant. Custodial interrogation is not required. Hence, order :-

O R D E R

- (i) In case of arrest in connection with C.R.No. 765 of 2022 registered at Shantinagar Police Station – Thane for the offences punishable under Sections 376, 498-A, 344, 506 of IPC and Section 3 of Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, the Applicant be released on furnishing personal bond and surety bond of Rs.25,000/-.
- (ii) Applicant to give attendance to Shantinagar Police Station – Thane on Thursday from 10.00 to 12.00 noon for six months.
- (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.

7. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

8. Application is disposed of in the aforesaid terms.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]