

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

ANTICIPATORY BAIL APPLICATION NO. 1110 OF 2023

Mr. Nazir Ansari	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Mohd. Saeed Moghul a/w. Ms. Deepa Panicker for the Applicant.
Mr. R.M. Pethe, APP for the State.
Ms. Ameetha Kuttikrishnan, appointed by the Court for R.No.2.
Mr. Sachin Gadade, API, Sir J.J. Marg Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 05th JUNE, 2023.

P. C. :-

1. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.67/2023 registered with Sir. J.J. Marg Police Station, Mumbai for offences punishable under sections 313, 323, 376(2)(f), 406, 498-A, 504, 506 r/w. 34 of the Indian Penal Code and section 4 of Dowry Prohibition Act, 1961.

2. The FIR was filed due to marital discord between the first informant and the son of the Applicant. Considering the nature of the accusations, this Court by order dated 17/04/2023 granted interim bail to the Applicant. It was observed that the first informant had returned

to her parental home on 19/01/2023 and lodged the FIR on 23/02/2023 wherein she had accused her husband and his family members of subjecting her to physical and mental ill-treatment. Though the allegations of rape were leveled against the Applicant, it was observed that the first informant continued to reside in the matrimonial home till January, 2023 without disclosing the said incident to anyone. It was observed that the accusations prima facie appears to be offshoot of the matrimonial dispute. It is stated that pursuant to the order dated 17/04/2023, the Applicant has reported to the Investigating Officer. He has been interrogated and that the investigation is completed and charge sheet has been filed.

3. Considering the above facts and circumstances, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the interim order dated 17/04/2023 stands confirmed.

4. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)