

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

ANTICIPATORY BAIL APPLICATION NO. 2834 OF 2021

Wajhul Qamar Shaikh	...Applicant
vs.	
The State of Maharashtra	...Respondent

None for the Applicant
Mr. S. R. Agarkar - APP for the Respondent-State
Vishal T. Pawar PSI Nizampura Police Station.

CORAM : S. M. MODAK, J.

DATE : 24th JULY, 2023

P. C. :-

1. No one is present on behalf of the Applicant.
2. Earlier the present Applicant has filed Anticipatory bail application No. 1757 of 2019 and this Court has granted interim protection from arrest as per Order dated 09/08/2019. The offence is registered with Nizampura Police Station at C.R. No. 0179 of 2019 under Sections 498A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code. Later on the present Applicant and Complainant have appeared before the Court on 07/08/2021 and submitted about settlement and intention to move the quashing by consent. In view

of that said application was disposed of as withdrawn. Interim protection was continued for a period of four weeks.

3. Now this fresh anticipatory bail application is filed. This application was filed as quashing petition was not filed and the Applicant's father received a call from the Police station. However today it is submitted by learned APP after taking instructions from the officer present that quashing petition is filed and it is pending. It is also submitted that charge-sheet is filed against all the accused except the present Applicant.

4. No one is present on behalf of the Applicant to apprise the Court about the progress in the said quashing petition.

5. Be that it may already interim protection granted on 09/08/2019, learned APP submitted that the Complainant has informed to the Investigation Officer that she is interested in quashing the F.I.R..

6. In view of that there is no point in keeping this application pending. Hence following Order is passed:-

ORDER

- (i) Anticipatory bail application is allowed.
- (ii) In case of arrest in connection with C.R. No. 0179 of

2019 registered with Nizampura Police Station, Bhiwandi, Thane for the offence punishable under Sections 498A, 406, 323, 504 and 506 read with 34 of the Indian Penal Code, the Applicant-Wajhul Qamar Shaikh be released on furnishing Personal Bond and Surety Bond in sum of Rs. 15,000/- and co-operate the Police as and when required.

7. It is made clear that the these are my prima facie observations.
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.]