

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2642 OF 2023

Azharuddin Jamal Shaikh ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Veer Kkale i/b. Ms. Mrunal Jadhav, for the Applicant
Smt. Ashwini Takalkar, APP, for the Respondent/State.
Mr. M.K. Abnave, PSI, Daund police station.

CORAM : N. J. JAMADAR, J.
DATE : NOVEMBER 6, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 211 of 2023 registered at Daund police station for the offences punishable under sections 498-A, 377, 354, 323, 504 and 506 read with 34 of Indian penal Code, 1860.
3. The applicant is the husband of the first informant. The marriage of the applicant was solemnized with the first informant on 27th December, 2018. The applicant and his relatives allegedly subjected the first informant to cruelty in order to meet the unlawful demand of Rs. 10 lakhs. As the ill-treatment became unbearable the first informant came to her parental home in the month of November, 2022. On 14th January, 2023, the applicant and

the co-accused had come to the parental home. They allegedly demanded money. The first informant questioned the applicant and the co-accused. The applicant allegedly subjected the first informant to sexual exploitation.

4. The learned counsel for the applicant submitted that on account of matrimonial dispute, the first informant had given an exaggerated version. It is improbable that the incident as alleged could occur at the parental home of the first informant. It was further submitted that in the same set of allegations the co-accused have been released on pre-arrest bail.

5. The learned APP resisted the application. It was submitted that the role attributed to the applicant is distinct and violent.

6. Prima facie, it seems that there is an element of delay in reporting the incident particularly in the context of sexual exploitation. The genesis of the offences appears to be in the matrimonial dispute. The fact that the incident allegedly occurred at the parental home of the first informant on 14th January, 2023, prima facie, bears upon the probability of the said version. In any event, to facilitate further investigation, custodial interrogation of the applicant does not seem to be warranted.

Hence, the following order.

ORDER

1] In the event of arrest in C.R. No.211 of 2023 registered with Daund police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

2] The applicant shall cooperate with the investigation and attend Daund police station, on 9th, 10th and 13th November, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

3] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

4] The applicant shall regularly attend the proceedings before the jurisdictional Court.

5] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)