



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3608 OF 2023**

Shabana Shahid Ali Shaikh
Saadik Ali Shaikh
Mohammad Nasir Shahid Ali Shaikh
Shahin Mohd. Alim Khan and
Mohammad Rashid Shaikh ... Applicants
versus
State of Maharashtra ... Respondent

Mr. Shubham Shaikh with Mr. Mushahid Khan, for Applicants.
Smt. Ashwini Takalkar, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 22 DECEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.597 of 2023 registered with Nayanagar Police Station for the offences punishable under Sections 498A, 323, 406, 504 read with Section 34 of the Indian Penal Code.
3. Applicant No.5 – Mohammad Rashid Shaikh is the husband of the first informant. Applicant Nos.1 and 2 are father in law and mother in law of the first informant. Applicant No.3 is the brother in law, and applicant No.4 is the relative of the husband of the first informant. The first informant lodged a report with the allegation that her husband and the relatives of the husband subjected her to cruelty. She was abused and assaulted. The applicant had also committed breach of trust in

respect of streedhan which was presented to her at the time of marriage.

4. Learned Counsel for the Applicants submitted that the alleged breach of trust in respect of streedhan is not at all made out as the gold chain was purchased by the applicant No.5 on the occasion of the first birthday of their son.

5. I have perused the allegations in the FIR. Prima facie, it appears that the genesis of the offences is in the marital discord between the applicant No.5 and the first informant. The allegations are not of such a nature that it would warrant custodial interrogation of the applicants to facilitate further investigation. So far as recovery of the gold chain is concerned, in the FIR itself the first informant alleged that the applicant No.1, and her mother in law, had sold the gold chain.

6. In the aforesaid view of the matter, the applicants deserve the exercise of the discretion.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicants – Shabana Shahid Ali Shaikh, Saadik Ali Shaikh, Mohammad Nasir Shahid Ali Shaikh, Shahin Mohd. Alim Khan and Mohammad Rashid Shaikh in connection with C.R.No.597 of 2023 registered with Nayanagar Police Station, they be released on bail on furnishing a PR bond in the sum of Rs.30,000/- each with one or two sureties in the like amount.

(ii) The Applicants shall co-operate with the investigation. Applicant

No.5 shall report to Nayanagar Police Station on 4th and 5th January 2024 in between 10.00 a.m. to 1.00 p.m., and, thereafter, as and when directed.

(iii) The Applicants shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(vi) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)