

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

ANTICIPATORY BAIL APPLICATION NO.1208 OF 2024

Salim Ahmad Shaikh Applicant

versus

The State of Maharashtra Respondent

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- Mr. Anand Mishra a/w Amit G. Dubey, Advocate for Applicant.
- Mr. C. D. Mali, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 02nd MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.90/2024, dated 27/02/2024, registered with Walsang Police Station, Solapur Rural, under sections 498-A, 504, 506 of the Indian Penal Code.
2. Heard Mr. Anand Mishra, learned counsel for the Applicant and Mr. C. D. Mali, learned APP for the State.
3. The FIR is lodged by the Applicant's wife Rubina Shaikh. She has stated that she got married with the Applicant

on 26/11/2023. After that, she started residing with the Applicant's family. After about 8 days, the Applicant and his mother started harassing her on the ground that her parents had not spent sufficiently during the wedding. They had not given money or the ornaments to the Applicant's family. On this count, they started harassing her. It is mentioned in the FIR that they had sent the informant to her parents' place. After going there, she told her parents about the Applicant's family's demand. But since her parents were poor, they could not fulfil the demand of the Applicant and his family. The informant's relatives arranged a meeting with the Applicant's family. But even then, the Applicant did not take her for cohabitation. The informant gave her complaint to the Family Counseling Centre at Solapur on 12/02/2024. But the Applicant and his mother did not remain present. After that, this FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant came to know that the informant was having an extra-marital affair and therefore the dispute started. She went back to her parents' house within 8 days of marriage and thereafter

there is no cohabitation. Therefore, the Applicant or his mother could not have caused any harassment or ill treatment.

5. Learned APP opposed these submissions by relying on the FIR and the statements of her relatives.

6. I have considered these submissions. The parents and the brother of the informant had given their statements which are similar to the FIR. The FIR mentions that after 8 days, the Applicant and her mother started harassing the informant. It is alleged that when she had gone to her parents' house, the Applicant had threatened her that if she did not bring money from her parents, she would be killed. In spite of that threat, the relatives of the informant were trying to see to it that the informant is taken for cohabitation by the Applicant. This appears to be slightly doubtful. Even otherwise, if the cohabitation was only for 8 days and when during the first 8 days there was no problem between the couple, then it is difficult to believe that the Applicant and his mother could have harassed her to the extent, which would fall within the definition of section 498-A of the IPC.

7. Learned APP on the instructions of the Investigating Officer accepted that the Applicant and the informant stayed together only for 8 days. This fact is significant. In this view of the matter, there is a possibility of false implication. Under such circumstances, the Applicant's custodial interrogation is not justified.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.90/2024, dated 27/02/2024, registered with Walsang Police Station, Solapur Rural, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)