

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

ANTICIPATORY BAIL APPLICATION NO.63 OF 2024

1. Tayabunnisa Mohammad Yusuf Khan,	
2. Mohammad Usman Khan,	
3. Mohammad Siddique Khan,	
4. Mohammad Amir Khan,	
5. Mohammad Umar Khan, &	
6. Mohammad Khalid M.Y. Khan	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. K.M. Tripathi, Advocate for the Applicants.

Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 11th JANUARY, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.860/2023 registered at Sakinaka Police Station, Mumbai on 1.9.2023 under sections 498-A, 354-A, 323, 504 read with 34 of IPC.

2. Heard Mr. K.M. Tripathi, learned counsel for the Applicants and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.

3. The Applicant No.1 is the mother-in-law of the first informant and the other Applicants are her brothers-in-law.

She has stated in her FIR that she got married with her maternal cousin in the year 2016. she was residing in the joint family of all the Applicants. After a few days from the marriage, the Applicants and others started harassing her. In July 2020, she delivered her first son. After that her husband suddenly fell ill and suffered from paralysis. It her case that the Applicant Khalid used to have ill-intentions about the informant and on one occasion he suddenly got physical and asked her to keep physical relations with him. She refused. It is her case that the other brothers-in-law also used to touch her inappropriately. Her husband's health improved. In September, 2022 she delivered he second son. In April, 2023 the Applicant's family assaulted her and asked her to leave the house. She left their house with her younger son. On 1.6.2023, she went back to her matrimonial house to get custody of her elder son, but, again she was abused and assaulted. And, therefore, she had registered an NC complaint. On these allegations, the FIR is lodged.

4. Learned counsel for the Applicants submitted that this is purely a matrimonial dispute between the husband and wife. The Applicants are needlessly dragged in the dispute. The main grievance of the Applicant is regarding custody of her elder son and, therefore, she is pressurizing the Applicants by filing false FIR. He submitted that the allegations are vague and the FIR is lodged belatedly.

5. Learned APP submitted that in the backdrop of the allegations against the Applicants, it would be sufficient if they are directed to cooperate with the investigation.

6. I have considered these submissions. Though, there are some specific allegations against the Applicants, the specific instances as such with proper details are not mentioned. The allegations are vague and general. The major allegation against the Applicant Khalid was about a particular incident, but, no details are given regarding the date or period. Apparently it was somewhere in the year 2020, but, no immediate complaint was lodged. The FIR itself mentions that the period of the alleged offence was between October, 2016

to April, 2023. The FIR is lodged on 1.9.2023. There is no explanation as to why she waited for so long to make these allegations. Therefore, in this background the custodial interrogation of the Applicants is not necessary.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.860/2023 registered at Sakinaka Police Station, Mumbai, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall cooperate with the investigation and shall attend the concerned police station as and when called.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2024.01.15
15:23:05
+0530