

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

ANTICIPATORY BAIL APPLICATION NO. 853 OF 2024

Anwar Akhil Shaikh

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Samir V. Pradhan for Applicant.

Ms. Rajeshree V. Newton, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 1 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.54 of 2024 registered at Nerul Police Station, Navi Mumbai, on 07.02.2024, under sections 323, 382, 427, 504 and 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Samir Pradhan, learned counsel for the applicant and Ms. Rajeshree Newton, learned APP for the State.

3. The F.I.R. is lodged by one Prajakta Belwalkar. She has stated that, she was residing with her husband and their family. The informant's parents and younger sister Pratiksha were residing

at a different place in Nerul. On 05.02.2024, Pratiksha put her articles in her bag and was about to leave her house. Her parents questioned her. She refused to answer them. Her parents tried to stop her, but she called the police. Therefore, everybody went to the police station. The informant's elder sister and her husband also went there. The police informed all of them that Pratiksha was an adult and she was free to go wherever she wanted to go. In the evening at 5.30p.m. the informant went to her parent's house. At that time, her elder sister Pratibha and her husband were present. At about 7.00p.m. Pratiksha came there and started looking for her mobile phone. She was angry. She started abusing the informant and Pratibha. She assaulted her own mother with a stick. There was some fight between them. Pratiksha took cash amount of more than Rs.1 lakh and some gold ornaments and went away. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the applicant has married Pratiksha. He has nothing to do with the incident described in the F.I.R. Even in the F.I.R. there are no allegations against him. Pratiksha was an adult and she was free to

marry by her choice. The applicant has no role to play in connection with the other allegations.

5. Learned APP tried to oppose these submissions. According to her, the applicant's custodial interrogation was necessary for effecting recovery of ornaments.

6. I have considered these submissions. There is absolutely no reason for arresting the present applicant in the present crime. The applicant has married Pratiksha. The allegations are against her that she took away all the ornaments as described in the F.I.R. But, in any case, the applicant has played no role whatsoever in the entire episode. Just because he is husband of Pratiksha, it cannot be a sufficient reason for arresting him. Considering that there is no material against the present applicant, he cannot be denied the protection U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.54 of 2024 registered at Nerul Police

Station, Navi Mumbai, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)