

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

ANTICIPATORY BAIL APPLICATION NO. 76 OF 2024

Sayyed Naseeruddin Faheem Shah & Ors.	..Applicants
Versus	
The State of Maharashtra	..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 77 OF 2024**

Sayyed Huzaiffa Faheem Shah & Ors.	..Applicants
Versus	
The State of Maharashtra	..Respondents

Mr. Aabad Ponda, Sr. Advocate a/w. Hassnain Kazi a/w. Shraddha Vavhal a/w. Hafiz Kazi for Applicant in ABA/77/24.

Mr. Hassnain Kazi a/w Shraddha Vavhal a/w. Hafiz Kazi for Applicant in ABA/76/24.

Mr. Sachin S. Padaye for complainant in both ABAs.

Ms. Pallavi N. Dabholkar, APP for State/Respondent in ABA/76/24.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent in ABA/77/24.

**CORAM :- SARANG V. KOTWAL, J.
DATE :- 12 JANUARY 2024**

P.C. :-

1. In both these applications, today a common order is passed because they arise out of the same C.R.No.721 of 2023 registered at Pandharpur City police station, Solapur Rural, under

sections 498-A, 323, 504 and 506 r/w. 34 of the I.P.C. The Applicant No.1 in A.B.A.No.76 of 2024 is the husband of the first informant and other two applicants are his parents. The applicant No.1 in A.B.A.No.77 of 2024 is brother in law of the first informant, the applicant No.2 is the sister in law of the first informant and other applicants are the close relatives.

2. The F.I.R. is lodged by the first informant on the allegations that, all the family members were illtreating her. She had become pregnant, but the family members of her husband and her husband himself were pressuring her for terminating her pregnancy. These are the serious allegations on which the offence is registered. Subsequently, Section 313 of the I.P.C. was also added.

3. Both the learned counsel appearing for the applicants invited my attention to the WhatsApp messages exchanged between the husband and wife which show that the informant herself had sought appointment with the Doctor for undergoing the procedure for termination of pregnancy. This is not reflected in

her F.I.R.

4. Learned APP produced the investigation papers in respect of the investigation carried out so far.

5. The consent for termination of pregnancy is given by the informant herself on 13.06.2023. There is some substance in the submissions made by the learned counsel for the applicants.

6. Mr. Sachin Padaye, learned counsel appears and states that he has instructions to appear for the first informant. He seeks time to file intervention application. At his instance, today I am adjourning the matter. The applicants have made out a case for grant of ad-interim protection.

7. Hence, the following order.

ORDER

- i) In the event of their arrest in connection with C.R.No.721 of 2023 registered at Pandharpur City police station, Solapur Rural, till the next date, the Applicants be released on bail on their executing P. R. bonds in the sum of Rs.30,000/-

each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

- ii) This order shall operate till 15/02/2024.
- iii) The Applicants shall co-operate with the investigation.
- iv) Stand over to 15/02/2024.

(SARANG V. KOTWAL, J.)