

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

ANTICIPATORY BAIL APPLICATION NO. 101 OF 2024

Shumail Muhammed Sohel Ahmed Karari	..Applicant
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Amol Joshi a/w. Umesh Kumar for Applicant.
Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 15 JANUARY 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 203 of 2023 registered with Kharghar Police Station, Navi Mumbai, on 12.06.2023, under Sections 498-A, 406 and 504 r/w. 34 of the Indian Penal Code.

2. The F.I.R. is lodged by the wife of the present applicant on 12.06.2023. She has stated in her F.I.R. that, she got married with the applicant on 30.12.2020. After the marriage, the applicant told her that the marriage was against his wish. The

applicant's parents illtreated her on the ground that sufficient expenditure was not made during wedding and the ornaments were not given. It is alleged that the applicant was having relationship with another lady before their marriage. He therefore, used to illtreat the informant. Since April 2022 she left her matrimonial house and started residing with her parents. Her ornaments and the documents were not given to her. On this basis the F.I.R. is lodged.

3. Learned counsel for the applicant fairly states that the first informant was heard when the applicant's anticipatory bail application was decided by the Court of Session.

4. Considering this statement, it is necessary that the informant is made a party in this application. I have considered the learned counsel's submissions for ad-interim relief. Learned counsel invited my attention to the decree of divorce passed by the Family Court at Bandra vide Judgment dated 16.02.2023. The marriage was dissolved by the decree U/s.28 of the Special Marriage Act, 1954. It was a divorce by mutual consent when even

the first informant had supported the prayer for divorce. It was mentioned in the decree that the parties had stated on oath that there was no dispute about giving or taking of *streedhan* articles. Learned counsel submitted that, after this decree was passed on 16.02.2023, this F.I.R. was lodged in June 2023. In any case, since April 2022 the parties are residing separately and there are no specific instances inviting application of Section 498-A of the I.P.C. He submitted that the informant is now disputing the decree of divorce, however, it was passed after following due process of law.

5. Considering these submissions, today I am adjourning the application with ad-interim protection to the applicant.

6. Hence, the following order.

ORDER

- i) Learned counsel for the applicant shall add the first informant as a party respondent.
- ii) Amendment shall be carried out forthwith.
- iii) Issue notice to the added respondent, returnable on 22.02.2024.

- iv) In the event of his arrest in connection with C.R.No. 203 of 2023 registered with Kharghar Police Station, Navi Mumbai, till the next date, the Applicant 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.
- v) This order shall operate till 22/02/2024.
- vi) Stand over to 22/02/2024.

(SARANG V. KOTWAL, J.)