

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

Anticipatory Bail Application No. 190 of 2024

Ahmed Mohammed Parmar
Age 36 years, Occ. Tailor,
Adult, Muslim Indian Inhabitant,
presently residing at Room No.406,
Amar Palace, Mira Habid Building,
Mira Gaon, Kashimira, Dist. Thane.

And

Permanent resident of
Room No.2, Tamas Kahn Chawl,
Near Pioneer School, Apna Nagar,
Akurli Road, Kandivali East,
Mumbai – 400 101.

... Applicant

versus

1. State of Maharashtra
2. The Senior Inspector of Police
Borivali Police Station
3. Hina Yusuf Gogda
R/o. A/0006, Sai Krupa SRA Building,
MG Road, Borivali East,
Mumbai – 400 066.
Above Bank of India, Shimpoli,
Borivali West, Mumbai – 400 092.

... Respondents

Mr RU Singh i/b Priyanka Prajapati, for the applicant.

Mr MG Patil, APP, for respondents No.1 and 2/ State.

Mr Sunil Gosavi, Legal Aid Appointed Advocate for respondent No.3.

API Arbhune, Borivali Police Station, Mumbai, is present.

Coram: R.N. Laddha, J.

Date: 13 November 2024

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.775 of 2023, registered at Borivali Police Station, Mumbai, for offences punishable under Sections 506 and 509 of the Indian Penal Code and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

2. The prosecution alleges that on 5 October 2023, when the informant approached the applicant and his mother in the marketplace to meet her son, the applicant prevented the informant from meeting their son, hurled abuses at her and uttered the word 'talaq' three times.

3. Mr RU Singh, the learned Counsel appearing on behalf of the applicant, submits that the applicant and the informant got married in May 2014, and in 2016 they were blessed with a child. However, later, disputes arose between the couple resulting in filing of complaints. The learned Counsel further

submits that the applicant has been falsely implicated in the present crime, and he never used the alleged words nor pronounced talaq as alleged. The applicant has duly attended the concerned police station and cooperated with the investigation. The applicant's custody is unnecessary as nothing is to be recovered or discovered.

4. Mr MG Patil, the learned Additional Public Prosecutor representing respondent No.1/ State and Mr Sunil Gosavi, the learned Counsel appearing for respondent No.3, jointly submit that the offence is serious. However, on instructions from the investigating officer present in the Court, the learned APP concedes that the applicant has duly attended the police station and cooperated with the investigation. He further submits that as nothing remains to be recovered or discovered from the applicant, the prosecution does not require his custody. Additionally, the learned APP submits that the investigation is complete, and a charge sheet will be filed shortly.

5. Upon perusing the records, it appears that the dispute arose out of a marital discord. The applicant has duly attended the concerned police station and cooperated with the investigation. Moreover, the learned APP concedes that the prosecution does not require the applicant's custody as no

recovery or discovery is to be made from the applicant and the investigation has concluded. Given these circumstances, the present application is allowed. The interim order dated 23 January 2024 is made absolute on the same terms and conditions. The applicant shall regularly attend the jurisdictional Court and refrain from tampering with the prosecution evidence or influencing the witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)