

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1830 OF 2024**

Noor Mohammed Ramjan Sayyed	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Shadab Khopekar for applicant.

Mr. Balraj B. Kulkarni, APP for respondent-State.

Ms. Nilima Patil, Police Constable, Kharghar Police Station, District Navi Mumbai.

**CORAM : MANISH PITALE, J.
DATE : 30th JULY, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant apprehends arrest in connection with FIR No.0154 of 2024 dated 07.05.2024 at Police Station Kharghar, District Navi Mumbai for offences under Sections 354, 354-D and 506 of the Indian Penal Code, 1860. The informant is the wife of the applicant's nephew. She approached the police on 07.05.2024 in respect of the incidents that allegedly occurred from the year 2022 onwards. It is alleged specifically that on 02.06.2023, when the informant's husband was not at home due to his service, the applicant allegedly behaved in a manner, so as to outrage the modesty of the informant. Further such allegations have been made.

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3. The learned counsel for the applicant submits that the applicant is a 70-year old man. He is the uncle of the informant's husband. There is a background to the dispute between the parties, as according to the applicant, the informant and her husband have not abided by their obligations as per a deed of family settlement executed in September 2023. Certain amount was supposed to be paid by the informant and her husband to the applicant, which was not paid. Reference is also made to certain complaints lodged by the applicant against the informant and her husband in respect of the said default on their part and on the ground that they had been harassing the applicant. Copies of such complaints are placed on record.

4. It is submitted that considering the aforesaid background, according to the applicant, he is falsely implicated by the informant. It is submitted that the applicant is ready to co-operate with the investigation and therefore, this Court may consider the present application favourably.

5. On the other hand, the learned APP submits that allegations made in the statement of the informant are specific. Merely because there is a dispute between the parties, the same ought not to be a ground to show indulgence to the applicant.

6. This Court has considered the material on record. *Prima facie*, there appears to be delay in registration of the FIR, insofar as the informant has referred to incidents from the year 2022 onwards and a specific incident starting from 02.06.2023.

7. This Court cannot be oblivious of the background dispute between the parties, which is evident from the documents placed on record. This Court

finds that prior to registration of the subject FIR, the applicant had himself approached the police in respect of his grievance regarding default on the part of the informant and her husband in not abiding by their obligations as per the deed of family settlement. In fact, the statement of the informant also refers to the amount payable under the deed of family settlement, thereby giving credence to the contentions raised on behalf of the applicant.

8. *Prima facie*, the genesis of the grievance sought to be raised on behalf of the informant appears to be a family dispute between the parties. The applicant is a 70-year old senior citizen. This Court is of the opinion that since he is willing to co-operate with the investigation, the application deserves to be allowed.

9. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0154 of 2024 dated 07.05.2024 at Police Station Kharghar, District Navi Mumbai, he shall be released on bail on furnishing PR Bond of ₹ 15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
- (ii) the applicant shall remain present before the Investigating Officer as and when the Investigating Officer calls upon him to remain present;
- (iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;
- (iv) the applicant shall co-operate with the investigation and also in the proceedings before the trial court.

10. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

11. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application stands disposed of.

(MANISH PITALE, J)

Priva Kambli