

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1840 OF 2024**

Salman Mohammad Umar Kazi ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Gautam T. Kanchanpurkar for applicant.

Mr. Mayur S. Sonawane, APP for respondent-State.

Ms. Pratiksha Shendage, API, Faraskhan Police Station, District Pune City.

**CORAM : MANISH PITALE, J.
DATE : 06th AUGUST, 2024**

P.C. :

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

2. The applicant apprehends arrest in connection with FIR No.0125 of 2024 dated 06.06.2024, registered at Faraskhana Police Station, District Pune City, for offences under Sections 323, 504, 506, 377 and 498-A read with Section 34 of the Indian Penal Code, 1860 (IPC). The applicant is the husband of the informant and the other accused persons are his relatives.

3. The learned counsel for the applicant submits that in the present case, due to matrimonial discord between applicant and informant and thereafter, attempts at mediation having failed, the informant has turned around to approach the police for registration of FIR. It is emphasized that the informant left the matrimonial home on 01.02.2024 and the FIR has been

registered belatedly on 06.06.2024. It is brought to the notice of this Court that the marriage took place on 28.11.2023 and the informant stayed in the matrimonial house from 28.11.2023 till 01.02.2024. It is submitted that this Court may consider granting relief to the applicant as he intends to co-operate with the investigation.

4. On the other hand, the learned APP submits that the offences in the present case are serious and specific allegations have been made against the applicant as regards Section 377 of the IPC, apart from the fact that the statement of the informant indicates ingredients of other offences registered against the applicant. It is further submitted that there is a specific allegation about the applicant having taken photographs and videos of the informant in objectionable condition and for that purpose, the custody of the applicant is necessary.

5. Having considered the rival submissions in the light of the statement of the informant, leading to registration of FIR, this Court is of the opinion that a case for granting interim relief is made out by the applicant for the following reasons:

- (a) *Prima facie*, the FIR appears to be registered belatedly as the informant left the matrimonial home on 01.02.2024, having stayed there for only about three months, while the FIR was registered after more than four months i.e. on 06.06.2024.
- (b) The material on record shows a *prima facie* case of matrimonial dispute between applicant and informant, giving rise to registration of FIR.
- (c) Although serious allegations have been made against applicant, the statement of informant does not give details of the date and time or chronology of events leading to registration of FIR.

6. Since the applicant has undertaken to co-operate with the investigation, the following interim order is passed:

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0125 of 2024 dated 06.06.2024, registered at Faraskhana Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- and one or two sureties in the like amount to the satisfaction of the trial court;
- (b) the applicant shall appear before the investigating officer on 08.08.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer;
- (c) the applicant shall co-operate with investigation, including presenting himself for medical examination and also depositing his mobile phone before the investigating officer;
- (d) the applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

7. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

8. List for further consideration on 10.09.2024, High on Board.

(MANISH PITALE, J)

Driva Kamhli