

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

ANTICIPATORY BAIL APPLICATION NO. 1859 OF 2024

Almin Aayub Pathan	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Abdul Wahab Shaikh a/w Aditya Parmar, Vahid Shaikh and S. M. M. Owais Jahagirdar for the Applicant.
Mr. Tanveer G. Khan, APP for Respondent-State.
Mr. Vilas Gangode, Head Constable, Pimpalgaon Police Station, Dist. Nashik Rural.

CORAM: MANISH PITALE, J.
DATE : 30th SEPTEMBER 2024

P.C. :

1. By order dated 30th July 2024, this Court had granted interim order in favour of the applicant and he was directed to cooperate with the investigation and also to appear before the Investigation Officer.

2. The learned APP informs this Court that the applicant has indeed cooperated with the investigation.

3. On 26th August 2024, when this application was listed, Mr. Gaurav Pandey, Advocate had appeared on behalf of the respondent No.2 and sought time of 2 weeks to file *vakalatnama*. On that ground, the hearing was adjourned.

4. This Court is informed that *vakalatnama* has not been filed on behalf of the respondent No.2.

5. The learned counsel for the applicant submits that this Court may consider confirming the interim order and the present application may be allowed.

6. Considering the fact that the applicant has cooperated with the investigation as per the directions issued in the interim order and in the light of the fact that the respondent No.2 has chosen not to appear before the Court today, the application is taken up for consideration.

7. While granting interim order in favour of the applicant, this Court had observed as follows :-

“12. This Court is of the opinion that in view of the background facts brought to the notice of this Court in detail on behalf of the applicant, a case for granting interim relief is made out. In the present case, although a specific allegation is made by the informant that on 14.04.2024, the applicant thrice uttered the word Talaq, thereby committing an offence under the provisions of the said Act, the background of the matrimonial discord between the parties cannot be ignored by this Court. In the earlier instance, despite having initiated criminal proceedings against the applicant and others under Section 498-A and other provisions of the IPC, the informant did not support the prosecution, resulting in the acquittal of the applicant and others. She returned to the matrimonial house, as a result of which, the applicant withdrew the proceeding for restitution of conjugal rights. It is after the informant returned to the matrimonial house that the alleged incident has occurred.

13. This Court is of the opinion that in the light of the aforesaid background facts, interim relief deserves to be granted.”

8. The aforesaid reasons hold good for allowing the application, particularly for the reason that the applicant has cooperated with the investigation.

9. In view of the above, interim order dated 30th July 2024 is confirmed and the application is allowed.

10. The applicant is directed to continue to cooperate with the investigation. He shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

11. The application is disposed of.

MANISH PITALE, J.