

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

ANTICIPATORY BAIL APPLICATION NO. 1913 OF 2024

Anas Sharfuddin Shaikh	...	Applicant
Versus		
The State of Maharashtra & Anr.	...	Respondents

Mr. Samadhan Kashid for the Applicant.
Mr. Shahaji Shinde, Spl. P.P. a/w Mr. Sagar R. Agarkar, APP for
Respondent No.1-State.

**CORAM: MANISH PITALE, J.
DATE : 24th JULY 2024**

P.C. :

1. Heard learned counsel for the applicant and learned Special
PP for respondent-State.

2. The applicant apprehends arrest in connection with FIR No.
0297 of 2024 dated 30th April 2024 registered at Panvel Police
Station, Dist. Navi Mumbai, for offences under Sections 377, 498,
323, 500, 504, 506 read with 34 of the Indian Penal Code, 1860
(IPC).

3. The applicant is the husband of the informant and she has
arraigned the other relatives of the applicant also as accused
persons in the present case. It is not disputed that all the other
accused persons have been granted anticipatory bail by the
Sessions Court.

4. The application for anticipatory bail filed by the applicant was dismissed, *inter alia*, on the ground that very serious allegations are made against the applicant, including the allegation about an incident of unnatural sex. It is also noted by the Sessions Court that the allegations pertaining to cruelty are for a period starting immediately after marriage.

5. The learned Special PP submits that this Court may consider issuing notice to respondent No.2 i.e. wife of the applicant and the original informant. He submits that considering the serious allegations alleged against the applicant, interim protection may not be granted.

6. The learned counsel for the applicant is pressing for interim protection, even during the pendency of the present application and during the period when notice will be served upon the respondent No.2. He submits that the informant has made general and omnibus allegations against all the accused persons concerning harassment after marriage. Even with regard to the serious allegation pertaining to Section 377 of the IPC, no specifics have been stated.

7. This Court has perused the statement of the informant, leading to registration of the FIR. *Prima facie* there is substance in the contention raised on behalf of the applicant that general and omnibus allegations are made against all the accused persons, including the applicant, as regards harassment meted out to the

informant after marriage, in the matrimonial house. Even with regard to the extremely serious allegation pertaining to Section 377 of the IPC, a general allegation is made without specifying as to when such an incident occurred. It is significant that the said allegation pertaining to offence under Section 377 of the IPC in the present case is being made by the wife against her husband. This Court is of the opinion that so long as the applicant is ready to cooperate with the investigation and he is ready to present himself before the Investigating Officer for the purpose of investigation, including medical examination, interim relief can be granted, while issuing notice to respondent No.2.

8. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No.0297 of 2024 dated 30th April 2024 registered at Panvel Police Station, Dist. Navi Mumbai, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 26th July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation, including presenting himself for medical examination.
- (c) 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.

9. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

10. Issue notice to respondent No.2, returnable on **19th August 2024 (High on Board)**. The notice shall be served through Investigating Officer and for that purpose, the applicant shall provide an additional set of papers to the Investigating Officer.

MANISH PITALE, J.