

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2151 OF 2024**

Nadeem Zaheer Ahmad	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Kalyani Kabra a/w. Mr. Krishna Goghikar and Mr. Omkar Mayekar, i/b. Vinit Patil for the applicant.

Mr. Babu V. Holambe-Patil, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 21st AUGUST, 2024**

P.C. :

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

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0053 of 2024 dated 17.02.2024 registered at Kharghar Police Station, District Navi Mumbai for offences under Sections 498-A, 377, 406 323, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. As per the informant, she came in touch with the applicant as he was a salesman of beauty products and the informant was running a beauty parlour. It is stated that the applicant and the informant were in a live-in relationship from the year 2015 onwards. Eventually, on 25.01.2018, they got married in a Court at Bandra. It is alleged that thereafter, the relations between the two deteriorated when the applicant started physically abusing the informant, including indulging in unnatural sex. It is alleged that valuables worth ₹ 25 lakhs were taken by the applicant from the informant.

Thereafter, the applicant allegedly got married to another lady and hence, the informant has faced physical and mental abuse and harassment at the hands of the applicant since the year 2018 onwards.

4. The learned counsel for the applicant submitted that the allegations in the present case are vague and general and there is no specificity. It is also evident that after the marriage of the applicant and the informant failed, the informant has lodged the aforesaid FIR. It is brought to the notice of this Court that the applicant had been approaching the informant for divorce by mutual consent, for which the informant did not agree and asked for compensation.

5. Eventually, in 2024, the applicant had been constrained to file divorce petition before the competent Court at Bandra, under the provisions of the Special Marriage Act. It is submitted that, considering the background of the dispute, this Court may allow the present application, as the applicant is ready to co-operate with the investigation.

6. On the other hand, the learned APP opposed the present application. It is submitted that the statement of the informant, leading to registration of FIR, contains sufficient material to indicate the ingredients of the serious offences, including offence under Section 377 of the IPC. It is submitted that the informant has also raised grievance about threat given by the applicant of making her videos viral, which is also a serious offence. Custody of the applicant is therefore necessary.

7. This Court has perused the material on record. Copy of the divorce petition filed by the applicant before the competent Court at Bandra in April 2024 is taken on record and marked 'X'.

8. Even according to the informant, she was in a relationship with the applicant from the year 2015 onwards. She has specifically stated that she took divorce from her husband and then started living in live-in relationship with the applicant in the year 2015. They got married on 25.01.2018 in a Court at Bandra and started living as husband and wife. Thereafter, the nature of allegations made against the applicant pertain to matrimonial disputes and alleged physical and mental abuse suffered by the informant. It is generally stated that from the year 2018 onwards, the applicant was harassing the informant, leading to registration of FIR.

9. But, this Court finds that the allegations about physical abuse are general in nature and specific events have not been described. The informant has made vague allegations about unnatural physical abuse by the applicant. It is difficult to understand that if the informant was indeed suffering such physical and mental abuse from the year 2018 onwards, why was the FIR filed on 17.02.2024. This is relevant, for the reason that according to the informant herself, she is an independent lady running her own beauty parlour. The allegation about videos being made viral also appears to be general and vague in nature. The impression that this Court has gathered is that the root cause in the present case and the genesis of the disputes is the matrimonial dispute, as the parties could not live together after they got married in the year 2018. The filing of the divorce petition in this backdrop assumes significance and this Court finds that so long as the applicant is ready to co-operate with the investigation, relief can be granted in the present application.

10. 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.0053 of 2024 dated 17.02.2024 registered at Kharghar Police Station, District

Navi Mumbai, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- 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 on 23.08.2024 and 24.08.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon to remain present;
- (iii) the applicant shall co-operate with the investigation, including remaining present for medical examination. He shall also co-operate in the proceedings before the trial court;
- (iv) the applicant shall surrender his mobile phone before the investigating officer;
- (v) the applicant shall not, in any manner, contact the informant till filing of chargesheet;
- (vi) 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.

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

12. 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.

13. The application stands disposed of.

(MANISH PITALE, J)