

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

Anticipatory Bail Application No. 2253 of 2024

1. Asgar Ali Shaikh

Aged about 60 years, Occ. Nil,
R/at. Room No.605, Gulraj Heights,
Nehru Nagar, Varsha Adarsh Nagar,
Kurla (East), Mumbai – 400 024.

2. Reshma Shaikh

Aged about 38 years, Occ. Doctor,
R/at. Room No.605, Gulraj Heights,
Nehru Nagar, Varsha Adarsh Nagar,
Kurla East, Mumbai – 400 024.

...Applicants

Vs.

The State of Maharashtra
Through Ghatkopar Police Station
Ghatkopar (West), Mumbai – 400 086

...Respondent

Mr Dilip H. Shukla a/w Mr Ashutosh Singh, for the Applicants.
Mr Shriram Chaudhari, APP for the Respondent – State.
PSI S. K. Kalbhor, Ghatkopar Police Station is present.

Coram: R. N. Laddha, J.
Date: 9 August 2024

P.C.

Heard Mr. Dilip Shukla, learned counsel for the applicants and
Mr. Shriram Chaudhari, learned Additional Public Prosecutor
representing the respondent – State.

2. The applicants are apprehending their arrest in C.R. No.795 of

2024, registered at Ghatkopar Police Station, Mumbai, for the offences punishable under Sections 498-A, 406, 323 and 506 read with 34 of the Indian Penal Code; and Sections 4 of the Dowry Prohibition Act, 1961 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

3. Applicant No.1, the father-in-law, and applicant No.2, the sister-in-law of informant, face allegations related to dowry demands, frequent arguments over minor issues, abuse, physical assault, threats of divorce and misappropriation of marriage ornaments.

4. Mr Dilip Shukla, the learned Counsel for the applicants, submits that there has been a delay over six months in filing the FIR. The alleged assault against the informant was perpetrated by her husband. The FIR itself indicates that the informant was leading a content married life with her husband and had good relations with other family members. Notably, at the time of alleged assault on 07.11.2023, no dowry demand was made. The FIR also alleges that applicant No.2 treated the informant like a maid and alleged that her parents had given insufficient dowry. According to learned Counsel, the informant has been residing separately with her husband since their marriage. Furthermore, no articles as alleged are in the applicants' custody. The applicants have no criminal antecedents and are ready to cooperate with the investigation. The learned Counsel tendered a copy of an Tenancy Agreement to show that the applicants are residing separately from the informant and her husband.

5. Mr Shriram Chaudhari, the learned APP, asserts that the applicants are in possession of the muddemal articles, including ornaments. Moreover, the applicants have ill-treated and harassed the informant.

6. After perusing the records, it appears that applicant No.1 is the father-in-law, and the second applicant is the sister-in-law of the informant. A copy of the Tenancy Agreement placed on record, *prima facie*, indicates that the applicants reside at a different address. The allegations, have their genesis in the marital discord and appear to be general and omnibus against the applicants. To address the prosecution's concern about evidence tampering, appropriate conditions can be imposed.

7. In view of the above and having regard to the nature of the allegations, this Court is inclined to allow the present application. Accordingly, the application is allowed in the following terms:

- (i) In the event of the applicants' arrest in CR No.C.R. No.795 of 2024 registered at Ghatkopar Police Station, Mumbai, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.
- (ii) The applicants shall cooperate with the investigation and report to the concerned police station as and when directed.

(iii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence any witnesses.

8. The application stands disposed of.

[R. N. Laddha, J.]