

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

Anticipatory Bail Application No.2457 of 2024

- 1) Waqas Mohammed Ashfaq Shaikh
Age 34 Years, Occ: Service
Presently residing at, 1st floor,
Shree Dayasagar Hauman Mandir,
Building next to Dhabara School,
Bandra West, Mumbai 400 050
- 2) Mohammed Ashfaq Mohamed Latif Shaikh
Age : 59 Years, Occ: Retired
- 3) Tabassum Mohammed Ashfaq Shaikh
Age : 52 years Occ: housewife
(All above are residing at Flat 301,
3rd Floor, Domnic House, Pali Village,
Bandra West, Mumbai 400 050.) ... Applicants.

Vs.

The State of Maharashtra
(at the instance of Bandra Police Station,
Mumbai in CR No.1173/024, to be served
through the office of learned Public
Prosecutor, High Court, Mumbai)

Mr Viral Rathod i/by Karuna Mallah for the applicant.
Mr MG Patil, APP for Respondent/State.
Mr Pranav Badheka, appointed Advocate for the complainant.
PSI Hemant Miraje Bandra Police Station

Coram : R.N.Laddha, J.
Date : 6 September 2024.

P.C. :

Heard Mr Viral Rathod, the learned Counsel appearing on behalf of the applicants and Mr MG Patil, the learned Additional Public Prosecutor, representing the respondent/State.

2. By this application, the applicants seek pre-arrest bail, in connection with CR No.1173 of 2024, registered with Bandra Police Station, Mumbai, for the offences punishable under Sections 85, 115(2), 352, 351(2), and 3(5) of the Bhartiya Nyay Sanhita, 2023 (for short 'the BNS').

3. It is the case of the prosecution that the informant, a divorcee, received a marriage proposal from the applicant No.1, and both families were informed about her previous divorce. Applicant No.1 and the informant married on 3 September 2020 and had two children. The informant alleges that applicants No.2 and 3 forced her to abort, fearing she might have a girl. The informant alleges that she was harassed by the applicants, repeatedly demanding her previous divorce papers. On 30 May 2024, applicant No.1 verbally abused her in front of a friend, and on 1 August 2024, he kicked her when she wanted to visit her parental home.

4. Mr Viral Rathod, the learned Counsel appearing on behalf of the applicants, contends that the genesis of the offence is a matrimonial dispute. The learned Counsel asserts the applicants' innocence, stating they have been falsely implicated in the present crime. The applicants are willing to comply with the conditions imposed by the Court.

5. At the outset, Mr MG Patil, the learned APP, on instructions, from the investigating officer present in the Court, submits that the custody of the applicants is not required as nothing is to be recovered from them. Furthermore, he consents to granting anticipatory bail to the applicants. Considering this, and the fact that nothing is to be recovered from the applicants and the prosecution does not require the applicants' custody, this Court is inclined to grant pre-arrest bail to the applicants. Hence, the following order.

ORDER

(i) In the event of arrest, the applicants shall be released on bail in CR No.1173 of 2024, registered with Bandra Police Station, Mumbai, on 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.

6. The application stands disposed of accordingly.

[R. N. Laddha,J.]