

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2646 OF 2024

Javed Jamil Shaikh ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. Nikhil Adkine for Applicant.

Mr. Kiran C. Shinde, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : NOVEMBER 26, 2024

P.C. :

. Heard Mr. Adkine, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. On 30.09.2024, this Court granted interim relief in favour of the applicant, subject to specific conditions including a direction to appear before the investigating officer on 03.10.2024 and thereafter as and when called by the investigating officer.

3. The learned APP, on instructions, states that the applicant did appear before the investigating officer as directed and that, his statement is also recorded on 03.10.2024. It is evident that the applicant has co-operated with the investigation.

4. While granting interim relief to the applicant, this Court had observed as follows:-

“3. The offences have been registered against the applicant on a detailed statement given by the informant, who is his wife. The tenor of the statement indicates that, the informant is essentially aggrieved by the fact that when she got married to the applicant, she was given an impression that he had divorced his first wife. But subsequently, a lady, claiming to be

the applicant's first wife, also joined the matrimonial house of the informant and the applicant. It appears that the two ladies for some time did stay together, during which period, efforts were made for amicably settling the dispute before the Bharosa Cell at Pune. At that point in time, the applicant appears to have given an undertaking that he would take the informant back to the matrimonial house within 15 days, but he did not keep his promise. This prompted the informant to approach the police for registration of the FIR.

4. Although serious offences are registered against the applicant in the present case, the genesis of the dispute appears to be a matrimonial dispute between the informant and the applicant. The co-accused persons have been already granted anticipatory bail by the Sessions Court.

5. This Court is of the opinion that considering the fact that the root cause is the matrimonial dispute, it would be appropriate that the informant - wife of the applicant is made party respondent No.2 in the present application. It would also be appropriate that till the next date of hearing, the applicant is granted interim protection. The applicant is expected to sincerely make an effort to address the grievance of the informant and find a lasting solution to the matrimonial dispute existing between the parties."

5. In the said interim order dated 30.09.2024, this Court directed the applicant to add the first informant i.e. the wife of the applicant as respondent No.2 and notice was issued to her. The record shows that the notice was indeed served on the respondent No.2, but it appears that she has chosen not to appear before this Court.

6. Having considered the material on record, this Court is of the opinion that the above-quoted reasons recorded in the interim order dated 30.09.2024 hold good for allowing the application itself, particularly because the applicant has co-operated with the investigation. No purpose would be served by dismissing the present application.

7. In view of the above, the interim order dated 30.09.2024 is made absolute and the application is allowed, subject to the applicant

continuing to co-operate with the investigation. The applicant shall not tamper with the evidence and he shall not influence the informant, witnesses or any person concerned with the case.

(MANISH PITALE, J.)

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