



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 37 OF 2024

ILIAS AHAMAD RIYAZ AHAMAD

Vrs.

STATE OF MAHARASHTRA

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. V. Sirpurkar, Advocate for applicant.
Shri N. R. Rode, A. P. P. for Non-applicant-State.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 25/01/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.605/2023 registered under Sections 406, 420 and 498-A r/w Section 34 of the Indian Penal Code, the applicant approached to this Court for grant of anticipatory bail.

2. The accusation against the present applicant is on the basis of report lodged by his wife Shahin Parveen J. Ilias Ahmad on an allegation that after marriage, she resumed cohabitation at the house of present applicant, but the present applicant has not treated her well and on various occasions, she was assaulted and abused by the present applicant by saying that his marriage which was performed against his desire. It is further alleged that as there was no change in the behaviour of the present applicant, she constrained to leave matrimonial house and lodged report.

3. In view of the guidelines issued by the Hon'ble Apex Court in the case of **Satender Kumar Antil Vrs. Central Bureau of Investigation**, reported in **(2022) 10 SCC 51**, this Court has directed to comply the guidelines by issuing notice under Section 41-A to the present applicant, but the Investigating Officer has not complied the same and has not issued the order.

4. Shri Sirpurkar, learned counsel for the applicant submitted that as far as allegations are concerned, the offences are not punishable for more than 7 years. The custodial interrogation of the present applicant is not required. The Investigating Officer has also not placed on record the reasons recorded by him in writing regarding the necessity of the arrest of the present applicant. Considering the allegations made against the present applicant, the immediate custodial interrogation of the present applicant is not required. In view of that, applicant can be protected by granting ad-interim protection. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is allowed.
- ii] The applicant - Iliyas Ahamad Riyaz Ahamad, in the event of arrest in connection with Crime No.605/2023 registered under Sections 406, 420 and 498-A r/w Section 34 of the Indian

Penal Code, be released on anticipatory bail on executing PR bond of Rs.25,000/- with one solvent surety in the like amount.

iii] The applicant shall attend the concerned Police Station once in a week between 10.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Agency.

iv] The applicant shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.

5. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]

Choulwar