

Uday S. Jagtap

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

CRIMINAL APPLICATION NO. 57 OF 2025

Zaid Istiyak Ansari

.. Applicant

Vs.

The State of Maharashtra & Anr.

.. Respondents

....

Mr. Viral K. Rathod a/w Vishwatej Jadhav for the applicant

Ms. Anamika Malhotra, APP for the respondent – State

Ms. Amruta Patil, PSI, RCF Police Station present

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 24th JANUARY, 2025.

P.C.

1. Heard.

2. The applicant, who is aged about 31 years, has invoked inherent powers of this Court under Section 482 of the Cr.P.C. *inter alia* seeking quashing of an order dated 7th January, 2025 passed by the Additional Sessions Judge, Greater Mumbai, by which the learned Additional Sessions Judge vacated anticipatory bail granted on 13th March 2024 in Anticipatory Bail Application No. 488 of 2024 in Crime No. 134 of 2024 registered with R.C.F. Police Station, Mumbai under Sections 354, 452, 506-II,

427, 323 and 504 of the Indian Penal Code.

3. At the outset, learned Counsel for the applicant submits that the daughter of the first informant was in love with the applicant, whose marriage was to be solemnized. However, the proposal was called off owing to the fact that the first informant, who is the mother of the girl, realized that the applicant is unemployed and addicted to some bad habits. A bare look at the statement of the girl - Shifasoni Irshad Ahmed reveals that she and the applicant were friends and they were intending to marry. However, due to the aforesaid reason, her parents called off the marriage.

4. Once the Additional Sessions Judge had granted pre-arrest bail to the applicant by taking into consideration all the factors and the fact that the daughter of the first informant was in friendly relations with the applicant for 3 years, in the absence of any material regarding the breach of any of the conditions, the Additional Sessions Judge ought not to have vacated the order. The photographs and CCTV footage tendered on record, at this

stage, cannot be said to be a sufficient evidence indicating breach of the conditions alleged to have been committed by the applicant after he was granted the anticipatory bail. It is a matter of record that after the second FIR, the applicant has been granted regular bail by an order dated 10th May, 2024. Before considering the application on merits, it would be expedient to hear the respondents.

5. Learned APP has not strongly opposed for granting ad-interim relief till the respondent no.2 and her daughter are heard.

6. Issue notice to the respondents, returnable on **31st January, 2025.**

7. In addition to the Court's notice, the applicant shall serve the respondents with private notice and shall file an affidavit of service before the returnable date.

8. As such, there shall be no coercive action against the applicant till the returnable date.

9. Before hearing the respondents, it would be expedient to make some observations about the manner in which the FIR has been drafted and typed by the P.S.I., Mr. Anil Deore, who is not present before this Court.

10. A bare look at the FIR, on page 17 reveals several defects, in the sense, while describing the period of friendship between the applicant and the girl, Mr. Deore in para nos. 1 and 2 has written as below :-

मी वरीलप्रमाणे असून वर नमुद पत्यावर मागील 05 वर्षांपासून राहवयास आहे. माझेसोबत माझे पती इषाद अहमद,, मुलगी शिफासोनी वय 23 वर्ष, मुलगा माजअहमद वय 21 वर्ष, बहीण माहेनुर वय 17 वर्ष असे राहवयास आहे.माझे पती यांचा दादर मंबई येथे कपडे विक्रीचा व्यवसाय करत असून त्यातून मिळणा-या उत्पन्नावर आमचे कुटुंबाचा उदरनिर्वाह चालतो.

इसम नामे झैद इस्तियाक अन्सारी, वय 28 वर्ष, रा.दि. रूम क्र 102, बिक्र 16, निशा सोसा, प्रेमज्योत कॉम्पलेक्स, इंडीयन ऑईल नगर, शिवाजीनगर गोवंडी, मुंबई यास मी मागील 10 वर्षांपासून ओळखते. माझी मुलगी शिफासोनी आणि मुलगा झैद यांची 03 पुर्वी मैत्री होती. मुलगा झैद यास माझी मुलगी शिफासोनी हिच्यासोबत विवाह करावयाचा होता. परंतु झैद हा व्यसनी तसेच काहीही कामधंदा करत नसल्याने माझ्या परीवाराने त्यास विवाहासाठी नकार दिला. तेव्हापासून तो आमच्या परीवारासोबत काही न काही कारणावरून वाद घालून भांडण करत असतो.

दिनांक 29/02/2024 रोजी रात्री 10.00 वाजताच्या सुमारास मी व माझे कुटुंब आम्ही घरामध्ये जेवण करत होतो. तसेच माझे पती दादर येथे व्यवसायानिमित्त बाहेर गेलेले होते. त्यावेळी झैद इस्तियाक अन्सारी हा माझ्या घराचे गेट उघडून माझ्या घरी आला. त्याने माझ्या घराचा दरवाजाची बेल वाजवली. मी दरवाजा उघडून बाहेर आले त्यावेळी त्याच्या हातामध्ये लोखंडी रोड होता. त्यानंतर तो मला धक्का मारून माझा घरात घुसला. मी त्यास "तम

11. A copy of this order be forwarded to the D.C.P. Zone 6, in order to bring to his notice defective language as also incorrect facts by Mr. Deore, P.S.I. in the FIR and to initiate appropriate action against him.

(PRITHVIRAJ K. CHAVAN, J.)