

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 98 OF 2025

Sayed Almas Naveed Kadri	...Applicant
Versus	
State Of Maharashtra	...Respondent

Adv. Tripti Shetty, Advocate for the Applicant.

Ms. Supriya Kak, APP for the State.

Mr. Bhupesh Salunke, PSI Mumbai Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 20 FEBRUARY 2025

P.C.:

1. The present Application is filed by the Applicants under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [corresponding Section 438 of Cr.PC], for anticipatory bail in connection with C.R. No. 1252 of 2024, dated 29 April 2024, registered with Mumbra Police Station, District Thane, under Sections 120-B, 323, 394, 452, 504, 506(2) read with Section 34 of the Indian Penal Code, as well as Sections 37 (1) and 135 of the

Maharashtra Police Act, 1951.

2. The Applicant's daughter is married to the son of the Complainant. According to the statement attached to the F.I.R., on the night of 28 April 2024, the present Applicant along with her daughter, visited the house of the Informant, who happens to be father in law of the present Applicant's daughter. At that time, a there was a suffice between the Applicant and her daughter on one side, and the in-laws of her daughter on the other, pursuant to which there was physical altercation. Hence, an F.I.R. has been lodged.

3. Ms. Shetty, the learned Advocate for the Applicant, submits that before the present F.I.R. could be filed by the Informant, her client had already lodged an F.I.R. at around 11:06 a.m. on 29 April 2024. She further submits that thereafter, at around 21:58 hours, the present F.I.R. was filed by the Informant as a counterblast. In the F.I.R. filed by the present Applicant, a charge sheet has already been filed. She submits that the Applicant is a lady and the dispute is a matrimonial, wherein certain complaints have been filed by the Applicant, as well as by the in-laws of the Applicant's daughter. She also submits that on 24 June 2024, an

Anticipatory Bail Application was filed before this Court, which was disposed of as withdrawn. She further submits that after 24 June 2024, the Investigating Officer has not contacted her client for recording her statement. According to her, there has been a change in circumstances, as the Investigating Officer after rejection of Anticipatory Bail Application on 24 June 2024 has come to a conclusion that there is no need to arrest the Applicant or even record her statement, since this is a matrimonial dispute between the parties and the Applicant is lady.

4. The learned APP submits the wife of the Informant sustained injuries, and the weapon used in the incident has not yet been recovered. Additionally, the F.I.R. contains allegations that the present Applicant pulled off and took away the gold chain of the Informant's wife from her neck, which has not been returned. She further submits that the Applicant has been uncooperative. The Investigating Officer visited the Applicant's house on 15 January 2025, at 12:50 noon, but the house was found locked. However, at 2:00 pm., the Investigating Officer revisited the house, when the husband of the Applicant was present. He informed the Investigating Officer that the Applicant was not at home and

refused to prove her contact number. She submits that in such circumstances, the custody of the present Applicant is necessary to recover the weapon used in the incident, retrieve the gold chain, and record the Applicant's statement.

5. There is no dispute that the daughter of the present Applicant has been granted anticipatory bail by the Sessions Court. The Applicant a woman, she has filed an F.I.R. regarding the alleged incident approximately 10 hours before the Informant lodged the present F.I.R. Therefore, this is a case of cross F.I.R.s, with the Applicant's F.I.R. being filed first. There is an ongoing matrimonial dispute between the Applicant's daughter and the Informant's son, leading both parties to file complaints against each other.

6. The Investigating Officer, as per the case diary, had not visited the house of the present Applicant until 5 January 2025, after her Anticipatory Bail Application was withdrawn on 24 June 2024. Regarding the mobile number not being provided, Ms. Shetty submits that in the cross F.I.R., which was filed earlier by the Applicant, her mobile phone number was specifically mentioned. The learned APP submits that the said mobile number

was switched off whenever the Investigating Officer attempted to contact her.

7. According to me, suffice would be purpose if the Applicant is directed to furnish all her contacts details including mobile number, email address, and residential address. Additionally, the Applicant would be required to attend the Police Station to record her statement.

8. As regard the antecedents, there appears to be a complaint filed against the present Applicant concerning an offence under Section 353 of the Indian Penal Code, lodged by the police. According to her, this complaint arose when she went to the police station to file a complaint against her son-in-law.

9. According to me, it appears to be purely a complaint arising out of matrimonial dispute involving of the Applicant's daughter. As for another complaint, it seems to pertain to a dispute over filing the household water in the chawl where the present Applicant is residing. According to me, both the crimes lodged filed are not of a very serious nature.

10. Hence, according to me, a case is made out to grant Anticipatory Bail Application as there is a change in the

circumstances. Since the Investigating Officer, for more than six months, has neither found it necessary to arrest the Applicant nor called her to the police station for inquiry or to record her statement, according to me, this shows the enquiry is complete. Hence, the Anticipatory Bail Application is granted on the following conditions:-

ORDER

- (a) The Anticipatory Bail Application is allowed.
- (b) In the event of arrest of the Applicant C.R. No. 1252 of 2024, dated 9 April 2024, registered with Mumbra Police Station, District Thane, under Sections 120-B, 323, 394, 452, 504, and 506(2), read with Section 34 of the Indian Penal Code, as well as Sections 37(1) and 135 of the Maharashtra Police Act, 1951., the Applicant shall be released on bail furnishing P.R. bond to the extent of Rs.30,000/- with one or more sureties of the like amount.
- (c) The Applicant shall co-operate with the investigation and attend the investigating officer of the concerned police station on 25 February 2025, 26 February 2025 and 27 February 2025 between 11.00 a.m to 1.00 p.m., as and when called.
- (d) The Applicant shall not directly or indirectly make any

inducement, threat or promise to victim and to any person acquainted with facts of case so as to dissuade him/her from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The Applicant and his surety shall provide their respective mobile numbers, e-mail address and documents pertaining to the place of residence.

11. In view of the above, **the present Anticipatory Bail Application is disposed of as allowed.**

(RAJESH S. PATIL, J.)