

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

(904) ANTICIPATORY BAIL APPLICATION NO. 241 OF 2025

Dildar Hussain Abdul Hasan Shaikh ...Applicant
Versus
State Of Maharashtra ...Respondent

WITH
(905) ANTICIPATORY BAIL APPLICATION NO. 242 OF 2025

Didar Dildar Hussain Shaikh ...Applicant
Versus
State Of Maharashtra ...Respondent

Adv. Sofiya Shaikh a/w. Mohd. Ahmed i/b. Javed A. Khan, Advocate for the Applicant.

Mr. Amit A. Palkar, APP for the State.

Mr. Nitin Patil, PI Sakinaka Police Station.

CORAM : RAJESH S. PATIL, J.

DATED : 6 FEBRUARY 2025

P.C.:

1. The present Applications are filed by the father in law and husband respectively of the deceased under Section 438 of the Bharatiya Nagarik Suraksha Sanhita 2023, for anticipatory bail in respect of C.R. No.0899 of 2024, dated 27 November 2024, registered with Sakinaka Police Station, District Brihanmumbai under Sections 80 and 3 (5) of the

Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the Informant, who is the mother of the deceased, stated in her complaint that, on 21 February 2024, her daughter was married to Didar Hussain in the State of Uttar Pradesh. After marriage, she moved to Mumbai and started residing at her matrimonial home in Sakinaka in Room No.5, Sakinaka Andheri East, Mumbai. She lived with her husband, father in law, mother in law and two brothers-in-law. A few months after the marriage, her husband started demanding of ₹3,00,000/- for his business purpose. As she refused to ask for money from her parents, she was abused and beaten by her husband. Ultimately, she informed her parents about the demand made by her husband. Her parents told her that they will speak with her husband and inform him that they come from a poor background, their father works as labourer, and cannot afford such a huge sum of ₹3,00,000. It is further stated in the F.I.R. that during holy month of Moharam, her daughter, along with her son-in-law, visited their residence in Uttar Pradesh. After reaching her residence, the son in law left for his native place. Thereafter on 5 September 2024, the informant's daughter, son in law, mother of son in law along with brothers-in-laws went back to Mumbai. The daughter's husband assured the Informant that he will treat their daughter in a proper manner. However, as soon as

they arrived in Mumbai, the husband of their daughter, started abusing her and again demanding an amount of ₹3,00,000/- from their daughter.

3. On 18 September 2024, there was again a quarrel between the husband and Informant's daughter and her husband. During this incident, the husband of her daughter attempted to strangle her by pressing her neck. After saving herself from her husband, she called the Informant and informed them about the said incident. At that time, the husband of the Informant being father advised their daughter to return to her maternal home. Accordingly, a train ticket for a journey to Utter Pradesh scheduled on 20th September 2024 was booked.

4. Inadvertently, on 19th September 2024 the Informant and her husband received a call from the Accused, informing that their daughter had committed suicide. Consequently, the Informant lodged the F.I.R. against the accused persons.

5. Ms. Shaikh, the learned Advocate appearing on behalf of the Applicants, who are the father-in-law and husband of the deceased. She submitted that they have no role to play in the death of the deceased. She further submitted that two other accused, who are brother in laws of the deceased, have already been granted interim protection by this Court. She submitted that her clients are ready to cooperate and should be granted interim protection by this Court. She further submits that the

deceased had a habit of harming herself whenever she was depressed. She submits that the Applicants be protected and their custody is not required.

6. The learned APP has opposed this Application. He submits that within a year of marriage, the deceased is committed suicide. He relied upon Sections 117 and 118 of the The Bharatiya Sakshya Adhiniyam, 2023. He further submits that as far as Applicant (Didar), the husband of the deceased is concerned, it was his second marriage. He also points out that his wife from first marriage, has proceedings under Section 498-A of the Indian Penal Code, 1860, with Kotwali Nagar Police Station, Sultanpur, Uttar Pradesh in which offences under Sections 498A, 323, 506 and Section 3 and 4 of the Dowry Prohibition Act were alleged. He further submits that the Applicant Didar and his parents were demanding dowry from the deceased. He further submits that during the investigation, an audio clip was found, which is a conversation between the deceased and both the present Applicants. The said audio conversation itself indicates that it was due to the instigation of the Applicants that the deceased committed suicide. He submits that the investigation is not yet complete. The custody of the Applicants is required. Therefore, he submits that the present Anticipatory Bail Application should be rejected.

7. I have gone through the contents of the present F.I.R. as well as a copy of the F.I.R. filed by the first wife of the Applicant, registered with from Kotwali Nagar Police Station, Sultanpur, Uttar Pradesh, which was tendered by the APP. The said F.I.R. has been filed against the four Applicants including the present Applicants, wherein Sections 3 and 4 Dowry Prohibition Act have been invoked, along with Section 498-A of the Indian Penal Code. In the present proceeding also, the FIR alleges demand of dowry of Rs. 3,00,000/-. The daughter of informant was abused and beaten by the Applicant/husband, as stated in the FIR. So also, as far as the present proceedings are concerned, an audio conversation between the deceased and the present two Applicants has placed before me. Within a year of marriage, the deceased committed suicide, which was the second marriage of the Applicant (Didar). In such a situation, according to me, no protection is required to be given to the present Applicants.

9. Hence, **both the Anticipatory Bail Applications are rejected.**

(RAJESH S. PATIL, J.)