



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 670/2025**

SAMIULLA ZAKAULLA KHAN

..APPLICANT

VS.

STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Kalim Ansari a/w. Adv. Tuba Khan, Adv. Afra Khan for applicant.
Mr. A. S. Shalgaonkar, APP for State.
Adv. Aditi M. Athawale for respondent no.2, through Legal Aid Panel.
PSI Dhananjay Gaikwad, Nayanagar Police Station.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 17, 2025.

P.C. :

1. This Court on 7/3/2025, passed the following order:-

1. The learned counsel for the applicant submits that this First Information Report (FIR) arises from the matrimonial dispute. The FIR has been filed for the offence punishable under Sections 498-A, 377, 406, 323, 504, 500, 506 of the Indian Penal Code. The learned counsel for the applicant further submits that as per the Child Welfare Committee (CWC) orders, the custody of the two minor daughters is with the applicant. He submits that the applicant is ready to cooperate with the police.

2. The applicant is seeking liberty to add the informant as party respondent no.2.

3. Liberty as prayed for granted. Amendment to be carried out forthwith. The learned APP to serve the copy of the amended anticipatory bail application on the informant through IO.

4. Stand over to **21/3/2025** under the caption **“for urgent circulation”**.

5. In the meantime, no coercive steps be taken against the applicant till the next date of the hearing.

2. On behalf of the applicant (husband) it has been submitted that after the last date of the hearing, the complainant (wife) has

taken the law in her hand and without the consent of the present applicant, has taken away the custody of the two minor daughters aged 8 years and 6 years on the alleged grounds that the daughters themselves wanted to go with her. The present applicant will now take the recourse of law as available to him to take back custody of the minor daughters. It has been further submitted that one of the main reasons for rejection of pre-arrest bail application by the Sessions Court of the present applicant is that the applicant is not ready to hand over the two-wheeler which is in the name of the complainant and the “streedhan”, the educational documents, other documents and the clothes of the complainant lying in the home of the present applicant. It is further submitted that the applicant is ready to hand over the two-wheeler to the complainant today itself in the presence of the IO. The applicant is neither in possession of any kind of the important documents of the complainant, nor he is in possession of clothes and streedhan of the complainant. All those documents, streedhan and clothes were handed over to the complainant before the Bharosa Cell. The applicant does not have any kind of the criminal antecedents. The applicant is ready to cooperate with the police for investigating the crime.

3. The learned counsel for the complainant submits that apart

from the two-wheeler, the streedhan of the complainant, the important educational documents and other important documents, so also, her clothes are lying in the house of the present applicant and with ulterior motive, he is not ready to hand over the said documents back to the complainant. The present applicant has abused and harassed the complainant physically and mentally. He is also involved in committing unnatural sexual intercourse. The complainant is ready without prejudice to her rights and contentions to receive the possession of her two-wheeler from the applicant before the IO, however, the applicant should also cooperate and hand over back the complainant's streedhan and all her original documents and clothes, and he should not also harass the complainant.

4. The learned APP also opposed the present application and submitted that the custody of the present applicant is necessary in order to investigate the crime. He also submits that Section 313 of the Indian Penal Code, is also added in the present crime during pendency of the present application.

5. I have heard the learned counsel for the applicant and the learned APP for the State. I have also gone through the documents on record. The applicant is ready to hand over the two-wheeler to the

complainant which is in the name of the complainant. The said statement is accepted as an undertaking given to this Court. There is a dispute whether the original important documents of the complainant are in the custody of the applicant. The applicant does not have any kind of criminal antecedent. According to me, *prima facie*, as of now, the custody of the present applicant would not be needed. Therefore, the present anticipatory bail application is allowed with following conditions.

ORDER

- (a) **The anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with FIR No.22/2025 registered with the Nayanagar Police Station, Mira-Bhayandar, Vasai-Virar, the applicant shall be released on bail, on furnishing PR. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

- (d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.
- (e) The applicant shall attend the concerned police station and meet the IO on 23/4/2025 and 24/4/2025 between 11.00 a.m. to 1.00 p.m. and thereafter, as and when called for.
- (f) The applicant shall not contact the complainant in any form whatsoever.
- (g) The applicant shall attend the office of the IO on 19/4/2025, at 5.00 p.m. to hand over the two-wheeler - 'TVS Ntorq' bearing No.MH-04-KC-0145 to the complainant.

6. Needless to say that violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of this anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

7. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)