

HEMANT
CHANDERSEN
SHIV

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

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HEMANT
CHANDERSEN SHIV
Date: 2025.05.23
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ANTICIPATORY BAIL APPLICATION NO. 1216 OF 2025

- | | | |
|----|-----------------------------------|------------------|
| 1. | Mohammad Shaakir Khan | |
| 2. | Mohammad Shahjad Khan | |
| 3. | Shabrun Khan | |
| 4. | Afsana Mohd Alam Khan | |
| 5. | Mohd Alam Shah Alam Khan | Applicants |
| | V/s. | |
| | The State of Maharashtra and anr. | Respondents |

Mr. Naushad Ahmed i/b. Mr. Khalid Azmi for the Applicants.

Ms. K.T. Hiwrale, APP for the State.

Mr. Danish Khan a/w. Mr. Kaniz Khan for Respondent No.2.

CORAM : SHYAM C. CHANDAK, J.

**DATED : 22nd MAY, 2025
(VACATION COURT)**

P.C. :-

- . Not on board. Upon mentioning, taken on board.
- 2) Mr. Ahmed, learned Advocate for the Applicants and Mr. Danish Khan, the learned Advocate tendered the Affidavit of Respondent No.2/first informant dated 22nd May, 2025, duly executed and affirmed before the Notary. It is taken on record.
- 3) Heard Mr. Ahmed, learned Advocate for the Applicants, Ms. Hiwrale, learned APP for the State and Mr. Danish Khan, learned Advocate for Respondent No.2.
- 4) Present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sahita, 2023 seeking pre-arrest bail as the Applicants are

apprehending their arrest in C.R.No46/2025, registered with Mankhurd Police Station, Mumbai for offences punishable under Sections 85, 123 r/w. 3 (5) of Bharatiya Nyaya Sanhita, 2023 and under Section 4 of the Dowry Prohibition Act, 1961, on the Report of Respondent No.2.

5) The prosecution case is that Respondent No.2 married with Mohammad Sajid Khan on 20/05/2024. Applicant Nos.1 to 4 are brothers, mother and sister of Sajid Khan and Applicant No.5 is husband of Applicant No.4. After marriage, Respondent No.2 went to cohabit in the family of her husband. However, the husband, father-in-law and the Applicants subjected Respondent No.2 to physical and mental cruelty to coerce her to meet their unlawful demand of dowry of Rs.3 lakhs. On 26/01/2025, the accused persons tried to administer poisonous substance to Respondent No.2 as she failed to meet their unlawful demand of money. Therefore, Respondent No.2 filed the Report. As a result, the said crime registered.

5.1) The Anticipatory Bail Application No.250 of 2025 filed by the Applicants in the Sessions Court came to be rejected *vide* Order dated 12/02/2025, passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Gr. Mumbai. Hence, this Application.

6) The learned Advocate for the Applicants and Respondent No.2 respectively stated that now, the parties have arrived at settlement and Respondent No.2 put an end to all the disputes, differences and misunderstanding with the family of her husband/accused. Therefore,

Respondent No.2 has no objection to grant the bail and she filed the said Affidavit to that effect. Respondent No.2 is present in person with her Advocate, and confirms the contents of the Affidavit. She has been identified by her Advocate Mr. Danish Khan. The investigation in the crime is over and chargesheet has been filed. Custodial interrogation of the Applicants is not needed. Applicants are not likely to abscond. Hence, I am inclined to allow this Application and pass the following Order :-

- (a) Application is allowed.
 - (b) In the event of arrest, the Applicants in C.R.No46/2025, registered with Mankhurd Police Station, Mumbai for offences punishable under Sections 85, 123 r/w. 3 (5) of Bharatiya Nyaya Sanhita, 2023 and under Section 4 of the Dowry Prohibition Act, 1961 they shall be immediately released on bail on furnishing P.R. bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.
 - (c) Applicants shall attend at Mankhurd Police Station, Mumbai as and when called for investigation.
 - (d) Applicants shall not threatened the prosecution witnesses.
- 7) Application stands disposed of in above terms.

(SHYAM C. CHANDAK, J.)