

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

ANTICIPATORY BAIL APPLICATION NO.1299 OF 2021

Ismail Habib Khan Applicant
Versus
The State of Maharashtra
Respondent

Mr. Rumman Shaikh, Advocate i/b. Husen Shaikh, for the
Applicant.

Mr. S.S. Pednekar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th JULY, 2021
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.114/2021 Dated 7.2.2021 registered at Sakinaka Police Station, Mumbai under sections 498-A, 323 read with 34 of the Indian Penal Code.

2. Heard Shri Rumman Shaikh, learned Counsel for the applicant and Shri S.S. Pednekar, APP for the State.

3. The FIR is lodged on 7.2.2021 by wife of the applicant. She has stated that on 22.12.2019, their marriage was performed at Mumbra. In the marriage, the informant's parents had given gold ornaments and articles for their household use viz. Bed, refrigerator, washing-machine etc.. The informant started residing with the applicant and his family consisting of his father, brother, sister, spouses of brother and sister etc. It is her case that immediately on the third day of the wedding the applicant told her to handover her ornaments to the applicant's sister Mahesher. The informant refused and, therefore, the applicant beat her. Thereafter there was one incident when she fell from the bike which was driven by the applicant. It is her case that the applicant did this deliberately. The applicant used to beat her. There are allegations that the applicant had mortgaged some of her ornaments and had taken Rs.14,000/- On one occasion, the informant's sister gave him Rs.1 Lakh on his demand. Thereafter the applicant demanded Rs.50,000/- more. After that there used to be frequent quarrels between

the couple. There are allegations that the applicant's other family members also beat her from time to time. On this basis, the FIR is lodged. The informant has stated in her FIR that the harassment at the hands of all the accused was between the period December, 2019 to March, 2020.

4. Learned counsel for the applicant submitted that there are general allegations against all the accused. Rest of the accused are granted anticipatory bail by the Sessions Court at Dindoshi vide order dated 9.4.2021 passed in Anticipatory Bail Application No.399/2021 before that Court. He submitted that the allegations against the applicant are almost similar and, therefore, the principles of parity apply. He submitted that in any case, the allegations against the present applicant are vague for which his custodial interrogation is not necessary.

5. Learned APP opposed this application based on the allegations made in the FIR.

6. I have considered these submissions. To a large extent the allegations against all the family members regarding beating and harassment are similar. The others are granted anticipatory bail. Therefore, to that extent, parity applies to the applicant.

7. Besides this, there are allegations that he had demanded and accepted Rs.1 Lakh and had also obtained Rs.14,000/- by mortgaging her ornaments. In the background of other vague allegations, custodial interrogation of the applicant will not serve any purpose, specially when the FIR is lodged much belatedly. According to the first informant, the period of offence was December, 2019 to March, 2020 and the FIR is lodged on 7.2.2021. Therefore, after a gap of so many months, custodial interrogation of the applicant is not really necessary. He can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.114/2021 Dated 7.2.2021 registered at Sakinaka Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)