

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**ANTICIPATORY BAIL APPLICATION NO.3131 OF 2022**

Arbaz Mohd. Yusuf Khan .. Applicant  
**Versus**  
The State of Maharashtra .. Respondent

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Ms.Anjali Patil for the Applicant.

Ms.Rutuja Ambekar, A.P.P. for the State/Respondent.

API Godse, attached to Sahu Nagar Police Station, present.

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**CORAM: BHARATI DANGRE, J.**  
**DATED : 14<sup>th</sup> NOVEMBER, 2022**

**P.C:-**

1. The applicant faces accusations in C.R.No.12 of 2022, which invoke Sections 498A, 406, 377, 354, 323, 504, 506(II) read with Section 34 of IPC and under Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986.

2. Heard learned counsel for the applicant and learned A.P.P. for the State.

The applicant was served with the notice under Section 41A of Cr.P.C. and the learned A.P.P. specifically states that he

has reported to the police station. When asked, for what purpose the custodial interrogation is warranted, the answer is, for the purpose of recovery of the golden ornaments of the complainant, as it is alleged that gold ornaments worth Rs.5,79,140/- and cash amount of Rs.11,32,000/- have been misappropriated by the applicant.

I do not think that recovery of the amount is the purpose for custodial interrogation, particularly, when the complainant has failed to conclusively establish that the ornaments are with the applicant and he has misappropriated the amount. Undisputedly, the applicant will take the consequences of the accusations levelled against him, if they are proved during the course of trial. In these circumstances, I deem it appropriate to confer the protection upon the applicant.

However, the learned A.P.P. has invited my attention to the subsequent C.R.16 of 2022, which is lodged by the complainant where it is alleged that the applicant has uploaded certain objectionable comments on his Instagram account, which resulted in invocation of Sections 509 and 500 of IPC alongwith Section 67 of the Information Technology Act. Though I am inclined to protect the applicant from arrest, I deem it appropriate to record that any endeavour on part of

the applicant to pressurize or threaten the complainant or any of her family members or supporters in any manner, would deprive him of his liberty and he shall be arrested forthwith on an application, being filed by the complainant with the police station and on such an act being alleged, the applicant will be denuded of his liberty.

Hence, the following order.

**: ORDER :**

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.12 of 2022 registered with Shahu Nagar Police Station, applicant-Arbaz Mohd.Yusuf Khan shall be released on bail on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall report to the concerned police station on every Friday between 4.00 p.m. to 6.00 p.m. for a period of four weeks and, thereafter, as and when called for.
- (d) Any attempt on part of the applicant to pressurize or threaten the complainant or any of her family members or supporters in any manner, would deprive him of his liberty and he shall be arrested

forthwith on an application, being filed by the complainant with the police station and on such an act being alleged, the applicant will be denuded of his liberty.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

**( SMT. BHARATI DANGRE, J.)**