

Mohd. Salim Anjum Mansoori vs The State Of Maharashtra on 6 August, 2021

Author: Sarang V. Kotwal

Bench: Sarang V. Kotwal

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1816 OF 2021

Mohd. Salim Anjum Mansoori

.... Appl

Versus

The State of Maharashtra

.... Resp

Mr. Satyaram R. Gaud for Applicant.

Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th AUGUST, 2021

(Through Video Co

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 663 of 2021 registered at Mumbra Police Station, Dist. Thane, on 07/07/2021, under sections 498-A, 323, 504, 506 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Satyaram Gaud, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') was lodged by the applicant's wife. She has stated that, they have

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married on 11/01/2019. At the time of marriage, the informant

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mother had given furniture, gold and other household articles.
After marriage, for about three months the informant was treated properly. Thereafter the applicant's mother started abusing her saying that, informant's mother had not given sufficient dowry and other articles. There are allegations that the applicant's mother had beaten her on many occasions. Similarly, the applicant had also beaten her on many occasions. There are allegations that the applicant was chatting on his mobile phone with his relative and at that time the applicant again had beaten her. The F.I.R. goes on to mention that the applicant's aunt had also beaten her. The applicant's another relative Shoukat had threatened the informant. The informant and the applicant have a daughter who is residing with the informant. At the time of lodging of F.I.R. the applicant and the informant were not residing together. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, except the applicant, all other accused including the applicant's mother, his aunt and other relative Shoukat were granted anticipatory bail by the Sessions court at Thane. He submitted that

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the applicant and the informant are residing separately since April

2020. The proceedings under the Protection of Women from Domestic Violence Act are initiated by the informant in February 2021 against the applicant and his family. He submitted that the applicant has continuously tried to bring the informant back to stay with him which is evident from an N.C. lodged on 03/05/2021, wherein, it is mentioned that the applicant's family had tried to settle the dispute through mediation, but the informant's family did not agree for that and there was some quarrel on that count.

5. Learned APP opposed this application on the basis of allegations in the F.I.R.

6. I have considered these submissions. The allegations against the applicant and his mother are almost similar. The allegations are in respect of beating the informant. There is no direct allegation against the applicant for demanding any dowry or causing harassment to the informant on that ground. The main allegation of demanding dowry is against the applicant's mother who is already granted anticipatory bail by the sessions court. In

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this view of the matter, on the principle of parity the applicant deserves the same relief. Moreover, the applicant and the informant are residing separately since April 2020, as submitted by learned counsel for the applicant. The Domestic Violence Act proceedings have been initiated by the informant in February 2021. Therefore, at this stage, the F.I.R. is lodged a little late in July 2021. Taking into

account all these factors, custodial interrogation of the applicant is not necessary. He can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

(i) In the event of his arrest in connection with C.R.No. I 663 of 2021 registered at Mumbra Police Station, Dist. Thane, the applicant is directed to be released on bail on his furnishing P. R. 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.) 4 of 4