

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

ANTICIPATORY BAIL APPLICATION NO. 1459 OF 2019

Wasim Naseem Shaikh .. Applicant
V/s.

The State of Maharashtra & Anr. ..Respondents

Mr. R.A. Shaikh a/w Sharif Khan i/b Ms. Yasmin Shaikh for the Applicant.

Ms. Veena Shinde, APP for the Respondent/State.

None for the Respondent No.2.

CORAM : C.V. BHADANG, J.

**DATE : 31ST JULY, 2021
(Through Video Conferencing)**

P.C.

1. The Applicant apprehending arrest in connection with investigation of Crime No. 57 of 2019 registered with Oshiwara Police Station, Mumbai under Section 498-A, 323, 324, 328, 406, 504, 506 read with Section 34 of IPC, is seeking anticipatory bail.

2. The aforesaid offence has been registered on basis of the complaint lodged by the second Respondent, who is the wife of the Applicant. The allegations are that the Applicant was illtreating the second Respondent physically and mentally and there was a demand

for money and there was also allegation about the refusal to handover the Stridhan.

3. I have heard the learned counsel for the Applicant and the learned APP. None appears for the second Respondent, though served. The learned Counsel for the Applicant pointed out that Stridhan is already returned and the Applicant had co-operated with the investigation. The record discloses that interim protection was granted to the Applicant on 09.07.2019 *inter alia* on the condition that the Applicant shall report to the Investigating Officer on 16th, 17th and 18th July 2019 between 11.00 a.m. to 12 noon.

4. The learned counsel for the Applicant points out that the Applicant had accordingly reported to the Investigating Officer. The interim protection is operating for more than 2 years now.

5. Considering the over all circumstances, the following order is passed:

ORDER

i) In the event of arrest, in connection with the investigation of Crime No. 57 of 2019 registered with Oshiwara Police Station, Mumbai, the applicant shall be released on bail on

executing a PR Bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount.

ii) The applicant shall report to the Investigating Officer on first Monday of every month and as and when required by the Investigating Agency.

iii) The applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

v) The application is disposed of accordingly.

C.V. BHADANG, J.