

MHCC050062472022



**IN THE COURT OF SESSIONS, AT DINDOSHI
BORIVALI DIVISION, GOREGAON, MUMBAI**

ANTICIPATORY BAIL APPLICATION NO.1873 OF 2022
IN
C.R.NO.1091 OF 2022

- 1. Mr. Aquib Altaf Kazi,**
Aged : 29 years, Indian Inhabitant,
- 2. Mrs. Nafisa Altaf Kazi,**
Aged : 51 years, Indian Inhabitant,
- 3. Mr. Altaf Abdul Kazi,**
Aged : 52 years, Indian Inhabitant,

All accused are residing at:
B/4023, Shirin Villa CHSL,
Old Mumbai Pune Road, Kausa,
near Bharat Gear Company, Opp.
Kalsekar Hospital, Mumbra, Thane-400612. ...Applicants/accused

V e r s u s

The State of Maharashtra
(Amboli Police Station)

...Respondent.

Shri Avdhesh Kanojiya, Advocate for the Applicants/accused.
Miss Gamsha Khatib, Advocate for the intervener.
Mrs. Poornima Chouhan, A.P.P for the State.

CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai.

(C.R.NO.9)

DATE : 26th December, 2022**ORDER**

1. The present application is filed by the applicants/accused for the Anticipatory Bail. Perused the application and say thereon vide Exhs.6 & 7 etc. Heard the learned Advocate Shri Avdhesh Kanojiya for the applicants/accused, the learned advocate Miss Gamsha Khatib for intervener & the learned APP Mrs. Poornima Chouhan for the State. I have gone through the record, the case diary, say of the police, Written Argument Exh.09 and the documents. It is seen that the offence came to be registered against the present applicants/accused vide crime No.1091 of 2022 at Amboli police station u/s 498-A, 406, 504 & 506 r/w 34 of the Indian Penal Code.

2. It is pertinent to note here that the report lodged by the complainant victim alongwith the statements of the witnesses and the documents filed by the parties on record etc shows that the complainant and the present applicant/accused No.1 got married on 20.04.2017 at and the complainant went to reside with the present applicant/accused No.1 where the other accused persons were also resided. However, it is contended by the complainant that the present applicants/accused used to harass mentally as well as physically by one or other pretext by which the complainant lodged the report wherein the police investigated the matter and recorded the statements of the witnesses.

3. Obviously, the offence is relating to matrimonial and there are allegations on the part of the complainant and the counter allegations on the part of the applicants/accused which requires the

detail evidence on merit. The complainant has not filed any document to show that she took the said articles to the house of the applicants/accused & they are in possession of the same but the exaggeration of serious allegations can not be ruled out. Nothing has to be seized from the applicants/accused. The applicants/accused are the permanent resident of B/4023, Shirin Villa CHSL, Old Mumbai Pune Road, Kausa, near Bharat Gear Company, Opp. Kalsekar Hospital, Mumbra, Thane-400612 & the Investigating Officer can investigate the matter without the presence of the applicants/accused and no prejudice would be caused to the case of the prosecution. The applicants/accused are ready to abide all the terms & conditions imposed by the Court & thus the purpose of the Investigating Officer would be solved if some reasonable conditions are imposed.

4. In such circumstances, I am of the view that this is the fit case in which the applicants/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

ORDER

The application is hereby allowed.

The applicants/accused **1. Mr.Aquib Altaf Kazi, 2. Mrs. Nafisa Altaf Kazi & 3. Mr. Altaf Abdul Kazi** be released in the crime bearing No.1091 of 2022 u/s 498-A, 406, 504 & 506 r/w 34 of the Indian Penal Code registered by Amboli Police Station on furnishing P.R & S.B of Rs.15,000/- (Rupees Fifteen Thousands Only) each with one surety each in the like amount in the event of the arrest.

The applicants/accused shall not tamper with the

prosecution evidence in any manner & shall present before I.O as & when called at P.S.

(A.Z.Khan)
Additional Session Judge,
Borivali Div, Dindoshi,
Mumbai.

Date :26.12.2022.

Dictated on : 26.12.2022
Typed on : 26.12.2022
Signed on : 26.12.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

26.12.2022 at 04.00 P.M.
 UPLOAD DATE AND TIME

(Ashok S. Sugdare)
 NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.9)
Date of Pronouncement of JUDGMENT/ ORDER	26.12.2022
JUDGMENT/ORDER signed by P.O. on	26.12.2022
JUDGMENT/ORDER uploaded on	26.12.2022