



**IN THE COURT OF SESSIONS AT GREATER BOMBAY**

**ANTICIPATORY BAIL APPLICATION NO. 2781 OF 2022  
(CNR NO. MHCC02-017047-2022)**

1. Faizan Afsarul Khan )
2. Afsarul Khan )
3. Kaniz Fatima w/o Afsarul Khan )
4. Amjad Afsarul Khan )
5. Imran Afsarul Khan )
6. Mrs. Naju Khan w/o Shahid Khan )
7. Ms. Mehmooda @ Deji Afsarul Khan )
8. Ms. Arshi Afsarul Khan ) ... Applicants

**Versus**

**The State of Maharashtra )**  
(Through V.B. Nagar Police Station ) ... Respondent

Ld. Adv. Moin Khan for the Applicants.  
Ld. APP. Geeta Sharma for State / Respondent.

**CORAM : HER HONOUR THE ADDITIONAL SESSIONS  
JUDGE SMT. A. B. SHARMA (C.R. NO. 39)  
DATED : 11.01.2023.**

**ORDER**

The Applicants have moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 630 of 2022 for the offences punishable under Sections 498(A), 323, 504 and 506 r/w 34 of IPC registered at V.B. Nagar Police Station, Mumbai.

2. Read application and Say (Exh. 2) of investigating officer filed through learned Additional Public Prosecutor. Perused the diary and documents annexed with the application.

3. Heard Learned Advocate for the applicants, learned Additional Public Prosecutor and the Informant.

4. The applicant No. 1 is husband, the applicant No. 2 is father-in-law, the applicant No. 3 is mother-in-law, the applicant Nos. 4 and 5 are brothers-in-law and the applicant Nos. 6 to 8 are sisters-in-law of the informant. After marriage, the informant came to her matrimonial home for cohabitation. After marriage, the informant noticed that, the applicant No. 1 used to return home at late night hours and whenever she asked about it to the applicant No. 3, she used to convince her by saying that he is a boy and he may be busy with his friends and used to avoid to give satisfactory answer to the informant. Whenever she asked about it to the applicant No. 1, he scolded upon him. After four months of the marriage, the informant conceived. The applicant No. 1 did not go for his work, he used to leave the house daily and used to return at about 1.00 or 2.00 a.m. It is further alleged that the quarrel used to take place between the applicant No. 1 and the informant. It is also alleged that the applicant No. 3 used to instigate the applicant No. 1 and upon her instigation, he used to assault her. It is also alleged that the applicant No. 1 tried to strangulate the informant with the help of belt, but due to the intervention of applicant No. 3, he left the victim. The informant by making phone call informed about it to her parents. They immediately came to her matrimonial home and took the informant back. When the informant demanded her Streedhan back, the applicant No. 3 did not hand over the Streedhan to

the informant. Therefore, by going to police station the informant lodged the report against the applicants.

5. It is seen that the offence is arising out of the matrimonial dispute. It is seen that the material investigation in respect of the applicants is almost completed. It is further seen that after grant of ad-interim protection, the applicants have already joined the investigation and co-operated with the investigating agency. The offence is non-bailable and therefore, the applicants are having reasonable apprehension of their arrest at the hands of police. So far as the recovery of Streedhan is concerned, the informant can recover it by filing independent proceeding. It is well settled that only for the purpose of recovery of the Streedhan, the application for pre-arrest bail, cannot be rejected on this ground. Considering the nature of the offence, I am of the view that, the applicants have made out their case for grant of pre-arrest bail. Hence, I proceed to pass following order :-

**OPERATIVE ORDER**

1. The Anticipatory Bail Application No. 2781 of 2022 is hereby allowed.
2. The ad-interim protection already granted to the applicants on 20/12/2022 is hereby made absolute on the following modified conditions :-
  - a. The applicants shall not leave India without prior permission of the Court.
  - b. The applicants shall submit the proof of their residential address, phone number, Aadhar Card and Election Card, if any.

c. The applicants are directed to co-operate during course of investigation within 3 days from the date of this order and also to attend the police station as and when called by the Investigating officer.

d. The applicants are further directed not to tamper with the prosecution witnesses in any manner.

3. The Anticipatory Bail Application stands disposed off.



**(A. B. SHARMA)**  
Additional Sessions Judge  
City Civil & Sessions Court  
Greater Bombay.

Date :- 11.01.2023.

Dictation Typed on : 11.01.2023.  
Checked & Signed on : 15.02.2023.

ABA 2781-2022

: 5 :

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

16.02.2023 at 6.10 pm  
UPLOAD DATE AND TIME

(Y.M. SAKHARKAR)  
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	<b>SMT. A. B. SHARMA</b> (C.R. NO. 39)
---	---

Date of Pronouncement of JUDGMENT/ ORDER	11.01.2023
--	------------

JUDGMENT/ORDER signed by P.O. on	15.02.2023
----------------------------------	------------

JUDGMENT/ORDER uploaded on	16.02.2023
----------------------------	------------