



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

**ANTICIPATORY BAIL APPLICATION NO. 2784 OF 2022  
(CNR NO. MHCC02-017060-2022)**

1. **Noman Faizan Shamsi** )
2. **Arifa Faizanul Haque Shamsi** )
3. **Faizanul Haque Shamsi** )
4. **Rayyan Faizanul Haque Shamsi** )
5. **Shafak Raiyan Shamsi** )
6. **Iqra Ammad Ahmad** ) ... Applicants

**Versus**

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

Ld. Adv. M.B. Shaikh for the Applicants.

Ld. APP. Kshirsagar for State / Respondent.

Ld. Adv. Aqeel Shaikh for Intervener / Informant.

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

**DATED : 31.01.2023.**

**ORDER**

The Applicants have moved this application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in Crime No. 617 of 2022 for the offences punishable under Sections 498(A), 323, 504, 406 read with 34 of the Indian Penal Code registered at V.B. Nagar Police Station, Mumbai.

2. Read application and Say (Exh. 02) of investigating officer filed through learned Additional Public Prosecutor. Perused the documents annexed with the application.

3. Heard Learned Advocate for the applicants, learned Additional Public Prosecutor and the intervener / informant.

4. The applicant No. 1 is husband, the applicant No. 2 is mother-in-law, the applicant No. 3 is father-in-law, the applicant No. 4 is brother-in-law and the applicant No. 6 is sister-in-law of the informant. The applicant No. 5 is the wife of applicant No. 4. After marriage, the informant came to the house of the applicants for cohabitation. After one month of marriage, the applicants started harassing the informant on one or another count. It is alleged that, since February 2019 to October 2022, the applicants on the count of not doing domestic work properly and on other petty domestic issues ill-treated the informant. It is also alleged that the applicant No. 1 abused and beaten her on the count of not bringing money from her parents. It is also alleged that the applicants compelled the informant to leave the matrimonial house and not handed over her Streedhan. Therefore, she lodged report against the applicants.

5. It appears that the present offence is arising out of matrimonial dispute. The material investigation in respect of the applicants is almost completed. They have already joined the investigation after grant of ad-interim protection. The Say filed by the prosecution nowhere indicates that the applicants have misused their liberty after grant of interim protection. The offence is non-bailable and the applicants have reasonable apprehension of their arrest at the hands

of police. So far as the recovery of Streedhan is concerned, the informant is having remedy to recover it by filing separate proceeding. It is well settled that, only for the purpose of recovery of Streedhan, the application for pre-arrest bail cannot be rejected. Considering the nature of 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. 2784 of 2022 is hereby allowed.
2. The ad-interim protection already granted to the applicants on 23.12.2022 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.

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3. The Anticipatory Bail Application stands disposed off.



**(A. B. SHARMA)**

Additional Sessions Judge  
City Civil & Sessions Court  
Greater Bombay.

Date :- 31.01.2023.

Dictation Typed on : 31.01.2023.

Checked & Signed on : 18.02.2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”	
18.02.2023 at 12.50 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	31.01.2023
JUDGMENT/ORDER signed by P.O. on	18.02.2023
JUDGMENT/ORDER uploaded on	18.02.2023