

ABA 425/2021

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MHCC050015432021



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.425 OF 2021
(C.R.NO.186/2021)
(CNR NO.MHCC05-001543-2021)**

Mrs. Farhana Tasawor Quazi

Aged 56 Years, Occupation:Housewife,
Residing at Room No.01, Shripat Maroti Chawl,
Chistiya Masjid, Haji Karamat Ali Road,
Kurla (E), Mumbai 400 070.

...Applicant/Accused

V/s.

The State of Maharashtra

Through the Senior Inspector of Police,
Sakinaka Police Station, Mumbai.

...Respondent

Ld. Advocate Mr. T.Z. Qureshi for the Applicant/Accused.

Ld. Addl.P.P. Smt. Usha Jadhav for the State.

**CORAM: H.H.THE ADDITIONAL SESSIONS JUDGE
SHRI D.D.KHOICHE
(C.R.NO.13)
DATE : 9TH APRIL, 2021.**

O R D E R

This is an application u/s. 438 of the Criminal Procedure Code 1973 filed by Mrs. Farhana Tasawor Qazi for grant of Anticipatory Bail in C.R.No.186/2021 for the offences punishable under sections 420 r/w 34 of the Indian Penal Code, 1860 (hereinafter referred to as "I.P.C.") with

sections 3 and 4 of Dowry Prohibition Act, 1961 registered with Sakinaka Police Station.

2. Perused the application and the reply filed by Sakinaka Police Station. Perused the other documents filed on record. Perused the case diary produced. Heard Ld. Advocate Mr. T.Z. Qureshi for the Applicant/Accused and Ld. Addl.P.P. Smt. Usha Jadhav for the State.

3. Record shows that there was meeting between both the parties initially. It was agreed upon to pay Rs.1,00,000/- to the bridegroom and his family members. Not only this, but engagement ceremony was performed on 11/11/2020 and Rs.1,00,000/- were paid in cash to the other main accused Abdul Gani Quazi, Rs.43,000/- were spent for engagement ceremony, advance of Rs.93,000/- was given for furniture, Rs.47,000/- were paid for rent of wedding hall and Rs.30,000/- were given in advance towards the dinner of marriage ceremony. Photographs show that the present applicant/accused was present for said ceremony. FIR as well as statement of Farida Sayeed show that present applicant/accused was also involved in making demand of Air-conditioner and bullet motorcycle but when a time was asked to fulfill said demand, they broke the marriage. This is a case of inducement of marriage, cheating by accepting amount of Rs.1,00,000/- in cash and making family members of the bride to bear the expenses of marriage and then to break the marriage for fulfillment of unlawful demand. Therefore, this case *prima-facie* comes under section 420 of IPC and other sections levelled.

4. Ld. Advocate for the applicant/accused submitted that even the applicant/accused also had printed invitation cards of the wedding ceremony. That may be true, because everyone was preparing for marriage ceremony. However, that itself does not show that there was no demand; that itself does not show that applicant/accused would not have conveyed their decision to the family members of the bride that marriage would be broken.

5. As against this, it must be noted that for the family members of the bride, by such act of the applicant/accused and other co-accused, the bride and her family members are defamed in public. It must have affected seriously the mental condition of the bride and her family members. If this is allowed to go lightly, people would continue to make such demand without fearing the law. In aforesaid circumstances, the applicant/accused may be required for custodial investigation, may be for recovery of amount, taking wrong advantage of the situation of the family members of the bride. Therefore, this Court is not inclined to grant anticipatory bail to the present applicant/accused, even though other two accused are already arrested and released on bail. Hence, following order:

ORDER

Anticipatory Bail Application No.425/2021 stands rejected.

(Dictated and pronounced in open Court)

Date: 9.4.2021

(D.D.KHOCHE)
THE ADDL.SESIONS JUDGE
CITY CIVIL & SESSIONS COURT,
BORIVALI DIVISION, DINDOSHI

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Dictated on	:	09.4.2021
Transcribed on	:	09.4.2021
Given to P.O. on	:	17.4.2021
Checked & corrected on	:	17.4.2021
Signed on	:	17.4.2021
Sent to Dept. on	:	

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**“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED ORDER”**

20.4.2021 AT 11.38 A.M.

MRS.M.S.PENDKHALKAR

Name of the Judge (With Court Room No.)	HHJ D.D.KHOCHE (Court Room No.13)
Date of Pronouncement of ORDER	09.4.2021
ORDER signed by P.O. on	17.4.2021
ORDER uploaded on	20.4.2021