

nsc.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.77 OF 2015

Manish Vidhyadhar Tripathi                      ...              Applicant

V/s.

The State of Maharashtra and Anr.              ...              Respondents

Mr.Hardeep Singh, for the Applicant.

Mr.S.H.Yadav, APP for the Respondent – State.

Mr.Shambhu Za, for the Respondent No.2.

API – A.B.Harne, Kasturba Marg Police Station, Mumbai.

**CORAM :    REVATI MOHITE DERE, J.**

**DATED :    17<sup>th</sup> MARCH, 2015.**

**P.C.**

1.                      Heard learned counsel for the applicant, learned APP for the Respondent – State and learned counsel for Respondent No.2.

2.                      By this application, the applicant seeks pre-arrest bail in connection with C.R. no.4 of 2015 registered with the Kasturba Marg Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 406, 504, 506 of the Indian Penal Code.

3. The applicant is the husband of the complainant. The applicant was married to the complainant on 14<sup>th</sup> October, 2005 and the complainant left the matrimonial house some time in April 2012. The applicant and the complainant have a child from the said wed-lock aged about 7 years. It appears that certain disputes arose between the parties pursuant to which the wife has initiated proceedings under the Domestic Violence Act some time in the year September, 2014. It appears that prior to the initiation of the proceedings under the Domestic Violence Act, the applicant had also filed a complaint with the Deputy Commissioner of Police as against the Senior Inspector of Police of the Kasturba Marg Police Station, the complainant and her family members. It is alleged in the said complaint dated 18<sup>th</sup> August, 2014 that police are likely to register false rape, molestation or other serious cases against him, in order to succeed in their plan of extorting money and grabbing the flat premises. A similar letter dated 23<sup>rd</sup> August, 2014, was also addressed to the Additional Commissioner of Police. It appears from the letters as well as the complaint lodged by the complainant, and the proceedings under the Domestic Violence Act, that both, the applicant and the complainant have made allegations and counter-allegations which are serious in nature, as against each other.

4. According to the learned counsel for the applicant, the complaint which was lodged with the Mahila Protection Officer does not in any way reflect, that there was a demand of any money for purchase of a car or for obtaining a loan. He submits that as far as Sridhan is concerned, the same was taken away by the complainant from the house of the applicant. He submits that as far as demand of car allegedly made by the applicant from the complainant, the same is not borne out by the documents on record. He submits that the car has been purchased on loan, which loan was sanctioned by his employer.

5. Be that as it may, considering the nature of allegations made by either of the parties against each other, the applicant deserves to be granted pre-arrest bail on the following terms and conditions :

**ORDER**

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the concerned police

station as and when called for by the Investigating Officer ;

iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;

iv) The Applicant shall co-operate with the Investigating Agency.

6. The Application is allowed and disposed of in above terms.

7. Needless to observe that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

8. Parties to act upon the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**