

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 309 OF 2015

Sunil Krishna Tilekar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Karan B. Mehta, advocate for Applicant.

Mr. Dilip Rai i/b. Ms. Aruna Singh, advocate for respondent No. 2.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 10, 2015

P.C.:

1 Heard the learned Counsel for the applicant, learned Counsel for the respondent No. 2 and the learned APP for State.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 360 of 2015 registered at Nerul Police Station for offence punishable under Section 420, 406, 323, 504 and 506 of the Indian Penal Code. It is the case of the prosecution that the complainant had

lodged a report at the police station alleging therein that in the year 2009 when she was working as a branch manager of Saraswat Bank at Matunga, she had met the present applicant who was working with HDFC Life Insurance Company. In the year 2010 she had got married and had gone to Bangalore. A discordant note had been struck between the couple. According to her, she was being assaulted by her husband under the influence of alcohol. Therefore, she was constrained to divorce her husband. Accordingly, she obtained decree of divorce. According to the complainant, the applicant again contacted her in the year 2012. He had proposed to her. He had persuaded her to marry him. He had informed her that his father is looking for other girl to get married. On 10th August, 2014, the complainant and the present applicant had got married at Dutta Mandir, Sanpada as per Hindu Vedic rites and rituals. They were living together. According to her, on 20/9/2014 when the couple was at Bangalore, she realised that the present applicant is going to get married to another girl. Upon inquiry he had given evasive answer. She had realised that he is evading to answer her questions.

He threatened her of dire consequences and therefore, she had lodged report at the police station. His parents refused to give her access to the matrimonial home. According to the complainant, he had persuaded her to part with huge amount and had also transferred her shares in his names.

3 The learned Counsel for the complainant submits that as far as the share certificates are concerned, the parties have reconciled and she has received the amount towards share certificates. It prima facie appears that the offence registered is an outcome of a matrimonial dispute. The complainant has also filed a petition before the Family Court seeking declaration of the validity of the marriage between the complainant and the applicant. In these circumstances, it would not be proper to give custodial interrogation to the applicant. The applicant has made out a prima facie case of pre-arrest bail.

4 The observations made hereinabove are prima facie in nature. The same shall not be considered at the time of hearing the application for discharge or quashing of FIR or at the time of trial.

5 Hence following order is passed:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 360/2015 registered at Nerul Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on every Sunday between 10 a.m. to 12 noon for one month.

6 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)