

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.608 OF 2015

Nilesh Ghanashyam Javle & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Sachin Gite, Adv. for applicant.
Mrs. R. V. Newton, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th December, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No. I-77 of 2015, registered at Nashik Road Police Station for the offences punishable under Sections 498-A, 376 and 377 read with 34 of the IPC.

2. Mr. Gite, the learned counsel for the applicants submitted that there is matrimonial dispute between the applicant and the complainant, which led to filing of the complaint and cross complaint. The learned counsel for the applicant has submitted that the complainant had left the matrimonial house on 28th July, 2015 and thereafter demanded Rs.5 lacs. She has filed a false complaint as the

applicants refused to pay said amount.

3. Mrs. Newton, the learned APP for the State has submitted that the allegations levelled against applicants are of serious nature and that this is not a fit case for granting anticipatory bail.

4. The complainant was added as respondent No.2 and the notice was duly served on her, despite which the complainant is neither present nor she is represented by any counsel.

5. I have perused the records and considered the submissions advanced by the learned counsel for the applicants and the learned APP for the State. The applicant No.1 is the husband and the applicant No.2 is the brother-in-law of the complainant. The complainant and the applicant No.1, were married on 11th May, 2014. There was a matrimonial dispute between them which led to the complainant leaving the matrimonial house on 20th July, 2014. Subsequently both the parties entered into an agreement dated 9th September, 2014 and agreed to seek divorce. The complainant as well as the applicant No.1 stated that they had no claim against each other. It is not in dispute that the parties had not filed any

matrimonial proceedings.

6. The records reveal that even after entering into the said agreement the applicant No.1 herein had lodged a complaint against the complainant stating that he had received threatening calls on his mobile phone. The applicant No.1 had also issued a legal notice dated 11th December, 2014 to the complainant wherein he had alleged that the complainant had demanded Rs.5 lacs from him failing which she had threatened to implicate him and his family members in false cases. The FIR in question came to be registered on 7th February, 2015 much after issuance of the said legal notice. In my considered view, the allegations in the FIR do not prima facie justify custodial interrogation.

7. In the light of above facts and circumstances, the application is allowed on the following terms.

1. In the event of arrest of the applicants in Crime No. I-77 of 2015 registered at Nashik Road Police Station, the applicants shall be released on bail bond of Rs.20,000/(Rupees Twenty Thousand Only) each with one or two sureties in the like amount to the satisfaction of the Sessions Judge, Nashik.
2. The applicants shall report to investigating officer for 4 days

from 10 am to 1 pm and further as and when required by the investigating officer for the purpose of the interrogation.

3. The applicants shall not tamper with the evidence or influence complainant and witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)