

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 689 OF 2015

1 Shri Madhur Mahesh Agrawal.
2 Shri Mahesh Shrikishan Agrawal.
3 Smt. Snehlata Mahesh Agrawal.
4 Miss Minal Mahesh Agarwal. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Madhavi Pillai, advocate for Applicant.

Ms. S.S. Kaushik, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 23, 2015

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973, where the applicants herein are apprehending their
arrest at the behest of the wife of the applicant No. 1. The learned
Counsel for the applicants submits that the applicant No. 1 got

married to one Anuradha on 2/6/2013. That on 13/1/2015 she had withdrawn herself from the company of the present applicants. That at the time of leaving the house, according to the applicants, she had taken away her belongings and jewellery and left to her home town. That at the time of withdrawing herself, she was pregnant of 12 weeks. That the applicant No. 1 was allegedly threatened by his wife telephonically and through messages that she would initiate criminal action against the applicants. In view of this, the applicants herein are apprehending their arrest.

3 The applicant Nos. 2 and 3 happen to be the parents of the applicant No. 1. It is submitted across the bar that upon registration of offence, in the eventuality of their arrest, they would be exposed to social obloquy and therefore, they are constrained to approach the Court under Section 438 of the Code of Criminal Procedure, 1973.

4 The learned Counsel for the applicant has placed implicit reliance upon the judgment of the Hon'ble Apex Court in the case of

Arnesh Kumar v/s. State of Bihar (2014) 8 SCC 273. In view of this, applicants herein deserve protection.

5 The applicants also apprehends that in all probabilities wife of the applicant No. 1 is likely to file a report at Nagpur since she is residing at Nagpur. In fact, the applicants had sent email to the Commissioner of Police, Thane informing the Commissioner that he and his entire family are being threatened and that he has also been threatened that his wife would undergo abortion. He apprehended danger to his wife as well as to his unborn child.

6 In any case, Nagpur Police would not arrest the present applicants without informing or without assistance from Wagale Estate Police Station. Hence, in the eventuality that the police machinery wants to arrest the present applicants, they shall be given 72 hours notice to the applicants, which shall exclude Saturday, Sunday and any public holiday.

7 The application is allowed in the above terms and is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)