

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.253 OF 2016**

Rajesh Madhukar Desai ... Applicant  
vs.  
The State of Maharashtra and Another ... Respondents

Mr. V.V. Pethe, for the Applicant.  
Mrs. A.T. Javeri, APP for Respondent – State.  
Mrs. Gauri Rajesh Desai, the Respondent No. 2 is present.  
Smt. Rekha Kole (PSI), Rabodi police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **8<sup>th</sup> MARCH, 2016**

**P.C.:**

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 498(A), 420, 406, 4947 read with 34 of the Indian Penal Code in C.R. No. I-321 of 2015 registered with Rabodi police station, Thane on 6<sup>th</sup> October, 2015 at the instance of one Gauri Desai.

2. It is the case of the prosecution that the complainant got married with the applicant/accused on 2<sup>nd</sup> December, 2010 and

started staying with him. However, there was frequent demand of money by the applicant and her mother-in-law. She was harassed by her husband and mother-in-law. She was also beaten up by her mother-in-law, brother-in-law and sister-in-law on 23<sup>rd</sup> July, 2011. It is the case of the complainant that her husband is in the relationship with some other lady and therefore, she was forcefully driven out of the house by the applicant but her *streedhan* were not returned by the applicant.

3. The learned counsel for the applicant submitted that the complainant has filed the proceeding under the Domestic Violence Act in the Court of J.M.F.C., Thane vide M.A. No. 46 of 2012 and it was partly allowed in her favour. Therefore, he submitted that now the custodial interrogation of the applicant is not required. Hence, he prays for bail.

4. The learned prosecutor opposed the application. She submitted that the applicant/accused is in relationship with some other lady and as per instruction given by the investigating officer, he is having one child from that lady out of their relationship.

5. Considering the submissions of the learned counsel for the applicant and after going through the judgment and order dated 10<sup>th</sup> November, 2014 passed by the learned J.M.F.C., Thane in M.A. No. 46 of 2012 and considering other documents, I am of the view that, the custody of the applicant/accused is not required to investigate the matter. The trial Court has already granted maintenance of Rs. 10,000/- under the Domestic Violence Act in favour of the complainant.

6. Hence, I grant pre arrest bail to the applicant as under:

- a) The anticipatory bail application is allowed.
- b) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- c) He shall attend Rabodi police station, Thane on every Monday in between 6.00 p.m to 7.00 p.m till filing of the charge sheet and cooperate the investigating officer.

7. Application stands disposed of on above terms.

**(MRS.MRIDULA BHATKAR, J.)**