

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1255 OF 2016

Mr. Kamlakar Rokade

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

* * * * *

Mr. H.S. Shinde, Advocate for the applicant.

Smt. Rutuja Ambekar, APP for the State, respondent no.1.

Ms. Rohini Dandekar, Advocate for respondent no.2.

CORAM :- N.W. SAMBRE, J.

DATED :- 16th NOVEMBER, 2016.

P.C. :-

1). The applicant was married to the complainant in 2011. Out of the said wedlock the applicant is blessed with twin children, admittedly who are in the custody of the complainant.

2). The matrimonial discord has resulted into filing of an FIR resulting into registration of Crime No. 162 of 2016 for offences punishable under Sections 498(A), 406, 323, 504, 506 read with Section 34 Indian Penal Code.

3). While trying to make out a case for pre-arrest bail, the

learned Counsel for the applicant submits that an effort made on the part of the Mediator so as to settle the differences between the applicant and the complainant remained unfruitful as the parties are not on good terms and open for discussion for settlement. The learned Counsel, would then urge that pursuant to the interim orders passed by this Court, the applicant has attended the police station and looking to the nature of the allegations, his custodial interrogation is not called for. The learned APP, who is assisted by the learned Counsel for the complainant, submits that, apart from furnishing incorrect address, the applicant is not co-operating with the investigating agency. She would urge that, the custodial interrogation is required looking to the nature of allegations in the FIR.

4). Having considered the rival submissions, it is required to be noted that the incident, as is narrated in the FIR, relates back to an issue after the marriage which had cropped up after 2011. The stale instances which are narrated in the FIR is found to be the basis for registration of the crime in question. Apart from above, the nature of allegations in the FIR, *prima-facie*, depicts the differences between the parties because of matrimonial discord. The contents thereof, hardly justify any custodial interrogation. In view thereof, the application is allowed.

5). The applicant be released on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one surety in the like amount.

- 6). The applicant to attend police station, as and when called.
- 7). The applicant not to tamper with the evidence or influence the witness in any manner whatsoever.
- 8). The applicant shall, within a period of one week from today, furnish his permanent place of abode to the Investigating Officer in the form of Affidavit with a copy to the learned Counsel for the complainant which would be considered to be his permanent place of abode for all purposes including that for the proceedings to be initiated by the applicant under the other stature.

(N.W. SAMBRE, J)