

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.31 OF 2017

Sandeep Anand Kamat

.... Applicant

versus

State of Maharashtra

... Respondent

.....

- Mr.Abhishek Yende, Advocate for the Applicant.
- Ms.Sharmila S. Kaushik, APP for the State/Respondent.
- Mr.PA. Kamble, Advocate for the complainant.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 21st MARCH, 2017.

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offence punishable under section 498-A r/w 34 of the Indian Penal Code in C.R.No.193/16 of Gandhi Nagar Police Station, Kolhapur. The offence is registered at the instance of Pradnya Sandeep Kamat, who gave information on 22/12/2016.

2. It is the case of complainant that she got married with the applicant/accused on 14/06/2012. Out of said wedlock a

baby boy was born to them. In 2016 he was 3 ½ years old. The applicant/accused is working as Assistant Police Inspector in the police department. It is the case of complainant that after marriage she was tortured continuously by the applicant/accused and her in-laws. The complainant used to abuse, beat her and humiliate her. She used to get threats from the applicant/accused that she would be divorced, if she would not behave on his tunes.

3. It is the case of complainant that the applicant/accused was very arrogant and dominating and used to harass her in various ways. She has quoted some of the incidents that, when she was pregnant and she was directed by Doctor not to travel on the motorcycle, he brought her on the motorcycle in rainy season without raincoat or any protection and thereafter on the same day within two hours in the night, he took her back from her father's house. Whenever complainant used to fall sick, he avoided to give her medical treatment. He demanded Rs.10,00,000/- from her father to buy a flat at Kolhapur. He also

threatened that he would kill her father and brother. He also used to threaten her that when their son Shreyas will grow up, he would give divorce to her.

4. She has also quoted one instance that when she was cutting nails of her son, accidentally, there was a deep cut and when the applicant/ accused found the same, he bite her finger and also threatened her that he always carries a fully loaded revolver and he could do anything to her. He also forced her to go to her maiden house and he wanted to take their son along with him. When she resisted, he assaulted her with police stick. He repeated his demands of Rs.10,00,000/-. On 15/08/2016 he left her outside the house of the father at Kolhapur at around 11.45 p.m. Thereafter, he filed a Divorce Petition and Custody Petition against her. Then she gave complaint against him.

5. The learned counsel for the applicant/accused has submitted that the applicant/accused is a Police Inspector in the police force. He moved an application for divorce on

07/10/2016 and filed Custody Petition on 24/10/2016. Out of anger the complainant has filed complaint on 22/12/2016. He submitted that none of such incidents have taken place. The applicant/accused is innocent. He never tortured his wife. He is in Government service and therefore he be protected. He further submitted that the custodial interrogation of the applicant/accused is not required and therefore pre-arrest bail be granted to him.

6. The learned prosecutor opposed the application and relied on the statement of the complainant.
7. Perused FIR and the documents placed before the Court. From the complaint it appears prima facie that the complainant was very cruel with the complainant. The incidents of the cruelty which are narrated in the complaint are shocking. There was a demand of Rs.10,00,000/- from the father of the complainant. Prima facie it appears that the applicant/accused has physically and mentally harassed the complainant in various

ways. The applicant/accused is working in police department. It is expected that he should not take law in hands. Considering these facts though custodial interrogation of the applicant/accused may not be required, I am of the view that charges against the applicant/accused are serious and therefore pre-arrest bail cannot be granted. Hence the application for pre-arrest bail stands rejected.

(MRIDULA BHATKAR, J.)