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

ANTICIPATORY BAIL APPLICATION NO.395 OF 2017

Anil Bhairu Chavan

...Applicant

Versus

1. The State of Maharashtra

2. Yogita Anil Chavan

...Respondents

Mr.Kapil Dave, i/b Mr.Paresh More, for the Applicant

Mr.R.M.Pethe, A.P.P for the Respondent-State.

Mr.D.B.Shinde, for the Original Complainant.

PSI – Koli, N.M.Joshi Marg Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 11th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 299 of 2016 registered with the N.M.Joshi Marg Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 323, 504, 406 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the allegations as against the applicant are false and baseless. He submitted that a perusal of the FIR dated 24th November, 2016 lodged by the applicant's wife – Yogita Chavan shows that the allegations are essentially as against the applicant's brother and sister-in-law. He submitted that the considering the nature of allegations, the custody of the applicant is not warranted.

4. Learned APP as well as the learned counsel for the original complainant oppose the application.

5. Perused the papers. The applicant is the husband of the complainant – Yogita. The complainant was married to the applicant on 2nd May, 2014. According to the complainant – Yogita, after marriage, her co-sister would harass her and would abuse her. She has alleged that when she complained about the same to the applicant, he told her that his sister-in-law had looked after him, when he was young and that he could not do much about it. She has alleged that her co-sister had also attempted to abort her child. She has further made allegations as against the applicant's brother that he would use filthy language and would abuse her. According

to the complainant, the applicant had disclosed to her that if she wanted to stay in the house, she would have to bear with his brother and sister-in-law or else she would have to go and get money from her parents.

6. Considering the nature of allegations, the custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)