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

ANTICIPATORY BAIL APPLICATION NO.675 OF 2017

- | | | |
|----|--------------------------|----------------|
| 1. | Amod Shashikant Gosavi | |
| 2. | Anita Ganesh Katkade | |
| 3. | Ajit Mahadev Shirsekar | ...Applicants |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Savita Amod Gosavi | ...Respondents |

Mr.S.A.Waskar, for the Applicants.

Mr.S.S.Pednekar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 11th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.220 of 2016 registered with the Borivali Police Station, Mumbai, for the alleged offences punishable under Sections 498A, 494, 497 r/w 34 of the Indian Penal Code.
3. Perused the papers. It appears that the applicant no.1 got

married to the complainant on 3rd June, 2005 as per the Hindu rituals and a male child was born to the couple on 16th April, 2006. On 7th August, 2015 i.e. almost after 10 years of marriage, the applicant no.1 filed an application seeking divorce from the complainant in the Family Court, Bandra, Mumbai. On 6th May, 2016, the complainant lodged the aforesaid FIR, as against the applicants. The applicant no. 1 is the husband of the complainant i.e. respondent no.2, applicant no.2 is the friend of the applicant no.1 and the applicant no.3 is the brother-in-law of the applicant no.1.

4. Learned Counsel for the applicants submitted that no offences as alleged are disclosed, qua any of the applicants. He submitted that as far as Sections 494 and 497 of the Indian Penal Code are concerned, the same will not apply as the applicant no.1 is not married to applicant no.2 and applicant no.2 is only his friend. He submitted that applicant nos.2 and 3 have been falsely implicated only on suspicion in the aforesaid C.R.

5. In the facts of the case, custodial interrogation of the applicants is not required. Accordingly, the application is allowed and the applicants

are granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount ;

(ii) The applicants 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.

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

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)