

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

CRI. ANTICIPATORY BAIL APPLICATION NO.846 OF 2017

Jayprakash L. Badsiwal & Anr.

.. Applicants

Vs.

The State of Maharashtra

.. Respondent

.....
Mr.Omprakash Dubey, Advocate for the Applicants.
Mr.R.M. Pethe, APP for the Respondent – State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 22, 2017.

P.C. :

This is an application seeking anticipatory bail in connection with C.R.No.446 of 2016, registered with Dindoshi Police Station, Mumbai for the offences punishable under Sections 498-A and 323 read with Section 34 of the IPC.

2 The dispute is on account of matrimonial discord between the parties. The complainant has alleged that she was married to applicant no.1, 20 years ago. There are three children out of the said wedlock. It is alleged that the accused were continuously harassing her amounting to mental cruelty. The allegations are also made against applicant no.1 having relationship with a close relative. It is also alleged that the

accused were taunting the complainant by stating that she is indulging in prostitution activities. Applicant no.1 is the husband and applicant no.2 is the mother-in-law of the complainant.

3 The applicant preferred an application for anticipatory bail before the Sessions Court which was rejected by order dated 3rd May, 2017. The reason assigned by the Sessions Court is that though the applicant no.1 had attended the police station he has not co-operated with the investigation. It was further observed that from the nature of offence it is obvious that if no custodial interrogation is necessary then the police are bound to submit the remand report of the applicant - accused to remand him to the judicial custody so that he can make an application for bail.

4 The applicant was granted interim protection vide order dated 5th May, 2017. During the pendency of his application before the Sessions Court, the applicants were directed to attend Dindoshi Police Station daily and they had complied with the said conditions.

5 In view of the aforesaid circumstances and looking

into the nature of allegations and the fact that the marriage was solemnized 21 years ago, anticipatory bail application can be allowed.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.846 of 2017 is allowed;
- (ii) Interim order dated 5th May, 2017 is confirmed;
- (iii) The applicants are directed to attend Dindoshi Police Station, Mumbai, as and when called for.
- (iv) Anticipatory Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)