

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1113 OF 2017**

Ramnayan Hridaynarayan Singh and Ors. ... Applicants

Versus

The State of Maharashtra ... Respondent.

WITH

CRIMINAL APPLICATION NO.648 OF 2017

IN

ANTICIPATORY BAIL APPLICATION NO. 1113 OF 2017

Madhumala @ Rani Ram Naresh Singh ... Applicants

Versus

The State of Maharashtra ... Respondent.

WITH

ANTICIPATORY BAIL APPLICATION NO. 1234 OF 2017

Vishal Ramnayan Singh ...Applicants

Versus

The State of Maharashtra ... Respondent.

WITH

CRIMINAL APPLICATION NO.691 OF 2017

IN
ANTICIPATORY BAIL APPLICATION NO. 1234 OF 2017

Madhumala @ Rani Ram Naresh Singh ...Applicants

in the matter between

Vishal Ramnayan Singh

Versus

The State of Maharashtra ... Respondent.

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Mr.Prashant S. Thombre for the applicant.

Ms.J.S. Lohokare, APP for the State.

Mr.Vijay Sonar Police Inspector Bangur Nagar P.S.,Mumbai

...

CORAM : A.M. BADAR, J.

DATED:3rd NOVEMBER, 2017

PC:-

1. None for the intervenor.
2. The applicants in both these applications are husband and relatives of husband of first informant Madhumala @ Rani, who married applicant Vishal Ramnayan Singh on 8.11.2011. Applicant Ramnayan is father of Vishal, applicant Usha is his mother, whereas the applicant Pallavi is his sister. On the basis of report lodged by Madhumala @ Rani on

3.1.2017 they are arraigned as accused in crime No. 31 of 2017 registered with police station Bangurnagar on 5.2.2017 for the offence punishable under Section 498-A, 323, 377, 504, 506 r/w 34 of the Indian Penal Code.

3. Heard the learned advocate appearing for the applicant/accused. He argued that the FIR itself reflects the amount demanded was towards marriage expenses which were to be borne by both the parties. The FIR does not show that subsequently, there was demand of money and consequent harassment to the first informant. The learned advocate further argued that bickering in the matrimonial life of applicant Vishal was due to the fact that the first informant was found communicating via e-mail with a stranger male. He further argued that considering the nature of the offence, custodial interrogation of applicants is not warranted. My attention is drawn to several bills and receipts annexed with the application in order to demonstrate that the

more amount was spend by applicant/husband and his relatives in the marriage.

4. The learned APP opposed the application by contending that the applicant/husband is facing trial for the offence punishable under Section 376 on the basis of the report lodged by the Jayashri Ahuja, whose name is figuring in the FIR lodged by Madhumala @ Rani and this fact makes it clear that applicant/husband was having extra marital relations. The applicant/husband has subjected the married woman to the cruelty. The learned APP further relied on averments regarding commission of offence punishable under Section 377 of the Indian Penal Code, so also regarding the cruel treatment by indulging in black magic by the applicants/accused persons.

5. I have carefully considered the rival submissions and also perused the case diary as well as material placed on record. The offence alleged is a matrimonial offence and this

fact will have to be kept in mind while deciding the instant application. Marriage was solemnised on 8.11.11 and it was a love marriage. Ultimately, the parents agreed for the marriage and the FIR reveals that the amount which allegedly paid by the prosecuting party was towards expenses of marriage. It is seen from the FIR that subsequent to the marriage there was no demand of money and consequent harassment to the first informant. The FIR further reveals that the first informant parted with the company of her husband in June-2014, whereas the FIR is lodged on 3.1.2017. The averments in the FIR are to the effect that the applicant was having extra marital relations with a lady named in the FIR. He was accusing the first informant that the first informant is the reason for loss suffered by him in the business. It is further averred that the husband/applicant was indulging in chatting with several females etc.

6. Considering all averments and the fact that the offence is registered because of matrimonial dispute, I am of the

opinion that custodial interrogation of the present applicant/husband is not warranted. Pendency of some other trial against him will not have any bearing on the instant case as nothing is required to be recovered from him and interest of the prosecution can be taken care of by directing the applicants to attend the concerned police station for the purpose of investigation.

ORDER

- i) Both the applications are allowed.
- ii) The applicants/accused persons in Crime No.31 of 2017 registered with police station Bangurnagar for the offences punishable under Sections 498-A, 323, 377, 504, 506 r/w 34 of the Indian Penal Code be released on bail on executing PR bond of Rs. 15,000/- and on furnishing surety in the like amount each of them.
- iii) As a condition of this order the applicants / accused persons shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of

the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

iv) The applicant/husband Vishal Singh in Crime No.1234 of 2017 should attend the investigators twice on every month i.e. on 1st and 3rd Saturday in between 4 to 6 p.m. till filing of the charge sheet.

v) In addition he shall attend the investigators as and when required, if informed by written notice.

vi) Similarly, all other other applicants should also attend the investigators as and when directed by investigators by written notice.

vii) The application is disposed of accordingly.

Viii) Because of disposal of the both the applications, pending criminal applications, if any, also stands disposed of.

(A.M. BADAR, J)