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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1309 OF 2017

Suresh Maruti Gaikwad

..Applicant.

V/s.

The State of Maharashtra & Anr.

..Respondents.

Mr.V.B.Shivarkar for the Applicant.

Mr.S.S. Hulke, APP for the Respondent-State.

CORAM : T.V.NALAWADE, J.

DATED : 9 AUGUST 2017

P.C.:-

This is an application for bail by the Applicant in Crime No.125/2016 registered with Sahakarnagar police station, Pune for offence punishable under sections 380 and 454 of the Indian Penal Code. Heard sides are heard.

2. The papers of investigation shows that the crime was registered at the instance of Supriya Suresh Gaikwad, who is a

doctor. The present Applicant is the husband of the Applicant. She has made allegations that there was some dispute between the Applicant and herself and due to that for some time, her husband was not living with her. It is her case that on 18 April 2017 when she had left the residential place, which was taken on rental basis, for her work the Applicant prepared a duplicate key of the lock and forcibly broke open the house and took away household articles like certificates and record of her educational qualifications and gold mangalsutra worth Rs.1,00,000/- and the keys of two wheeler which was in the name of the present Applicant. Due to this allegations, the crime of the aforesaid nature came to be registered.

3. The submissions made shows that the dispute is of matrimonial nature. The records and certificates, if it is not received, the duplicates of the same can be obtained. It cannot be said that the husband had apparently taken away the record. Considering the allegation that he had taken away the mangalsutra, if found true subject to some condition, the relief can be given. There is a statement of the key maker that he has prepared a duplicate key for

opening the lock but his statement is very vague and it does not show that the papers were taken away by the husband. He states that something was taken out from the drawer by the husband and it was kept by him in his own bag. Learned counsel for the Applicant submitted that it was the laptop. So far as the keys of the two wheeler is concerned, it can be said that the two wheeler belongs to the husband. In the circumstances, the custodial interrogation of the Applicant is not necessary and the relief needs to be given to the Applicant subject to some conditions. In the result, the following order :-

- (i) The application is allowed subject to depositing amount of Rs.1.50 lakhs by the husband-Applicant in the Court towards '*Stridhan*'. If the amount is deposited in the Court, the present Applicant is to be released on bail in case the Applicant is arrested in Crime No.125/2017 registered with Sahakarnagar police station, District Pune for the offence punishable under sections 380 and 454 of the IPC on the Applicant furnishing a P.R. Bond in the sum of Rs.15,000/- with one surety in the like

amount.

- (ii) He shall not tamper with the prosecution witness. He shall not commit similar offence.
- (iii) He shall attend the concerned police station on every Sunday between 9.00 a.m. to 11.00 a.m. for a period of one month and he shall co-operate with the police during investigation.
- (iv) The amount be deposited within a period of seven days in the Court of J.M.F.C., Pune to which the said police station is attached and during this period, he be treated on interim bail. If the amount is not deposited within the stipulated period, it is to be presumed that this application is rejected.
- (v) After deposit of the amount, the same be given to the first informant towards the approximate value of the articles.

(T.V.NALAWADE, J.)