

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1843 OF 2017**

Mr. Jayaraman Muralidharan	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 1156 OF 2017**

Mrs. V. Gayathri	..	Intervener
In the matter between:		
Mr. Jayaraman Murlidharan		Applicant
vs.		
The State of Maharashtra		Respondent

Mr. R.M.Momin i/b. Ms. Sana Mujawar, for the applicant.
Mr. Sandesh V. More, for the intervener.
Mr. S.H. Yadav, APP, for the State.
Mr. H.K.Ghadge, API, NRI Sagari Police Station, Navi Mumbai present.

**CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 18th December, 2017.**

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C.
The applicant herein is apprehending his arrest in Crime No.18 of 2017
registered at NRI Police Station under Section 498A, 406, 504, 506, 507,
323 read with Section 34 of the Indian Penal Code.

2. By an order dated 13.10.2017, the applicant was granted interim relief.

3. It is the case of the prosecution that the applicant got married to the complainant on 29.8.2003. She is residing away from her husband since 2009. It appears that the first informant has filed a divorce petition on the ground of mental cruelty. It also appears that both the parties were called for conciliation in the Family Court on 3.1.2017. The complainant has also filed proceedings under the provisions of the Protection of Women from Domestic Violence Act, 2015 in December 2016 and thereafter on 21.1.2017, a first information report was lodged for the offence punishable under Section 498A of the Indian Penal Code. It is a case of matrimonial dispute.

4. The learned counsel for the applicant submits that the complainant/wife has not left any stone unturned and has filed proceedings against the applicant. It is also submitted that the provisions of Section 498A of Indian Penal Code are being misused.

5. Taking into consideration the facts of the case, this Court is inclined to confirm the ad-interim relief granted vide order dated 13.10.2017.

6. The observations are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not send any messages to the complainant or the relatives of the complainant and shall not tamper with evidence.

The application stands disposed of.

7. In view of this, the Intervention Application is allowed and disposed of.

(SMT. SADHANA S.JADHAV, J.)