

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

**CRIMINAL APPLICATION NO.925 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.1407 OF 2016**

Shivraj Uday Pednekar Applicant

versus

The State of Maharashtra ... Respondent

**WITH
CRIMINAL APPLICATION NO.1061 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.1407 OF 2016**

Rakhee Shivraj Pednekar Applicant

versus

The State of Maharashtra & Anr. ... Respondent

.....

Ms. Shradha Achilya, Advocate a/w. Mr. Chandansingh Shekhawat, Advocate i/b. ALMT Legal, Advocate for the Applicant in APPP No.925/16.

Ms. Trupti Khadse, Advocate i/b. Jayakar & Partners, Advocate for the Applicant in APPP No.1061/16.

Mr.Prashant Jadhav, APP for the State/Respondent.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 23rd FEBRUARY, 2017.**

P.C. :

1. The Criminal Application No.925/16 is preferred by the applicant/accused for the relaxation of condition in respect of attendance on every Saturday between 10 a.m. to 12.00 p.m. at Warje Malwadi Police Station and also prays that he be given unrestricted permission to travel abroad and order of this Court dated 18/08/2016 passed in ABA No.1407/16 be modified.
2. Another Criminal Application No.1061/16 is preferred by the original complainant i.e. the wife of the applicant/accused praying that the order dated 18/08/2016 passed by this Court in ABA No.1407/16 be cancelled as the applicant/accused has not attended the police station as per the directions of this Court.
3. The learned counsel appearing for the applicant/accused i.e. husband has relied on the report dated 13/12/2016 given by the Sr.P.I. Warje Malwadi Police Station that from 22/08/2016 till 12/11/2016, the husband has attended all the dates on Saturday except 08/10/2016.

However, on 19/11/2016 a warrant was issued in a case filed under Domestic Violence Act by the wife against the husband and thereafter he did not remain present.

4. The learned counsel for the applicant/accused further submitted that there is a reason for the applicant/accused not to obey the order passed by this Court in respect of attendance. She further submitted that the applicant/accused has challenged the maintainability of Domestic Violence proceedings before the High Court and has challenged the order of maintenance before the Sessions Court. She further submitted that the applicant/accused is required to go out of India as it is a requirement of his job and therefore he needs blanket permission of this Court to go abroad.

5. She further relied on the order passed by this Court on 05/12/2016 in Application No.650/16, wherein the High Court has granted protection to the applicant/accused till 07/12/2016 that no coercive steps be taken till 07/12/2016.

6. The learned counsel appearing for the wife has submitted that the applicant/accused i.e. the husband has violated the condition imposed by this Court while granting anticipatory bail application and therefore this anticipatory bail is to be cancelled.

7. It is to be noted that the warrant is issued by the Magistrate under section D.V. Act on 19/11/2016. The protection granted by this Court by order dated 05/12/2016 is only upto 07/12/2016. There is a breach of the order of attendance which is passed by this Court. Hence, this Court is not inclined to relax the condition of attendance at this stage as the charge-sheet is yet to be filed and two accused are absconding. It is case under section 376(2) of Indian Penal Code.

8. The reason for non-attendance at the police station is explained and therefore the both the applications i.e. application for cancellation of anticipatory bail and application for relaxation of condition of attendance, are dismissed.

(MRIDULA BHATKAR, J.)