

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

ANTICIPATORY BAIL APPLICATION NO. 1480 OF 2018

Subodh Harishchandra Rasal ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Ms. Sapana Rachure for the Applicant.

Mr. S.R.Agarkar, APP for the State.

Mr. D.P.Mane, Police Constable, Khandeshwar Police Stn., Navi Mumbai, present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 06, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 156 of 2018 registered at Khandeshwar Police Station for offences under Section 498A and 406 r/w.34 of IPC.

2. Heard Ms. Rachure, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties.

3. The applicant herein was married to first informant Yogita Rasal in the year 2012. They have a daughter from the said wedlock. Said Yogita Rasal lodged the first information report alleging that since her marriage, the applicant and his family members have been demanding dowry and subjecting her to cruelty. She has further stated that in the year 2018 the applicant and his family members drove her and her daughter out of the matrimonial house. Based on the said FIR the aforesaid crime has been registered against the applicant, his parents, brothers and other family members.

4. The records prima facie reveal that there is matrimonial distort between the applicant and his wife. The applicant herein had issued a legal notice dated 26th May, 2017. The said notice prima facie indicates that the first informant has been residing with her parents since 18.9.2015. The applicant herein had also lodged a complaint before the Head of the Community alleging that the first informant had left the house on 18th September, 2015 and that she has refused to return. The records prima facie reveal that the first informant had lodged a report on 1st July, 2018. The material on record indicates

that the first informant was residing with her parents for over three years prior to lodging of the FIR and that during these three years she had not lodged any complaint against the applicant and his family members. Furthermore, a perusal of the FIR prima facie reveals that the allegations leveled against the applicant are general in nature.

5. The applicant was granted interim bail by order dated 25th July, 2018. The learned Counsel for the applicant submits that the applicant has already reported to the Investigating Officer and that he has been interrogated. The learned APP also submitted that the investigation is almost concluded and that the chargesheet will be filed within 15 days.

6. Considering the above facts and circumstances, in my considered view, the presence of the applicant is not required for custodial interrogation. The applicant is a permanent resident of Panvel and there are no chances of his absconding or thwarting the course of justice. There are no criminal antecedents against the applicant.

7. Considering the above facts and circumstances, the application

is allowed on following terms and conditions:-

(i) In the event of arrest of the applicant in Crime No.156 of 2018 registered at Khandeshwar Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(iv) The applicant shall not interfere with the complainant and the other witnesses in any manner

**Prasanna
Pradeep
Salgaonkar**

Digitally signed by
Prasanna Pradeep
Salgaonkar

Date: 2018.10.09
15:19:48 +0530

(ANUJA PRABHUDESSAI, J.)